

# LAW LIBRARY JOURNAL

VOLUME 39

AUGUST, 1946

NUMBER 3

Published quarterly by the  
American Association of Law Libraries

Publication Offices: Wm. Mitchell Printing Co., Greenfield, Indiana

## AMERICAN ASSOCIATION OF LAW LIBRARIES

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Contents of the LAW LIBRARY JOURNAL are indexed in the INDEX TO LEGAL PERIODICALS

Subscription price of the LAW LIBRARY JOURNAL—\$4.00 a year.

Printed by the Wm. Mitchell Printing Co., Greenfield, Indiana

Entered as second-class matter March 18, 1944, at the Post Office at Greenfield, Indiana,  
under the Act of March 3, 1879.

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## PROCEEDINGS OF THE THIRTY-NINTH ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES HELD AT ST. LOUIS, MISSOURI, JUNE 24 TO JUNE 26, 1946\*

### MONDAY MORNING SESSION—JUNE 24, 1946

The opening session of the Thirty-Ninth Annual Meeting of the American Association of Law Libraries, held in the Regency Room of the Chase Hotel, St. Louis, Missouri, convened at ten o'clock, Mr. Miles O. Price, Law Librarian of Columbia University and President of the Association, presiding.

**PRESIDENT PRICE:** The Thirty-Ninth Annual Meeting of the American Association of Law Libraries will now come to order.

We are favored this morning by having Mr. Albert Miller, the Associate City Counselor of the City of St. Louis, who comes, representing the Office of the Mayor, to greet us. Mr. Miller.

#### ADDRESS OF WELCOME

MR. ALBERT MILLER  
*Associate City Counselor*  
*City of St. Louis*

Mr. President and Members of the American Association of Law Libraries, Ladies and Gentlemen: About one hundred and eighty-two years ago, a Frenchman by the name of Laclede came over from the neighborhood of Kaskaskia, Illinois, and made a survey of the spot on which we are now lo-

cated. Then he went back to his camp and said: "I have found a site where I intend to establish a settlement which some day will be the most beautiful city in the world."

Now, this may not be the most beautiful city in the world, but it is a beautiful city. Probably, it is the most beautiful of any in this nation excepting, of course, the ones from which each of you have come.

On behalf of the Mayor of the City of St. Louis, who is unable to be here this morning, I bid you welcome to this City and all that it has and all that it contains, its equipment and its churches and schools, and streets, and theatres and places of amusement, and business places. Whatever we have here, you are welcome to it, to enter in and pass through any and every place we have without key or without passports, and I hope you will enjoy your visit.

I am going to call your attention to a room that I wish you would come down and look at in the City Hall. We have a room down there which was completed about 1892. It is called the Board Room, where the Board of Aldermen of the City of St. Louis meet. At the time it was completed, there was quite a writeup about it, and it was then said to be the most beautiful leg-

\* The Editor, Harrison MacDonald, is greatly indebted to Miss Helen Newman, Associate Librarian of the United States Supreme Court Library, for her assistance in editing the Proceedings.

islative hall in the world. It is still beautiful, and I wish you would go down there and look at it.

Now, I am going to say a few words with the expectation that I will leave some food for thought and maybe an incentive for you in this meeting and maybe an incentive for you after you go home. In 1922, Bruce Barton had an interview with H. G. Wells which was published in the July number of the *American Magazine*.<sup>1</sup> Bruce Barton asked H. G. Wells to pick out some of the greatest men that the world had ever produced. He picked six and said that they were the world's greatest men. He based his opinion on what they had done, what permanent contribution they had made to humanity; and that is a very good basis.

He picked six. The first, he said, was Jesus of Nazareth, as a man; the second was Buddha; the third was Aristotle and the fourth was Asoka; the fifth was Roger Bacon, and sixth was Abraham Lincoln. He went on at length to say what they had done. Of course, I will not attempt to tell you what he said about them, but he said they were the only six in the world who had any right to be called "great."

The question is why is it that out of forty billion people, less than five thousand, or probably only five hundred, or only six are entitled to become "great?" Why is it so few ever amount to much?

The reason, in my opinion, is this: we are satisfied to be the average man. So many men and women are satisfied to be the average man. Now, what is the average man? There are just two

characteristics which designate the average man: First, he wants to be comfortable, he wants a nice home to live in, he wants a good job, he likes to have a good salary and a good automobile, and a nice bank account. He wants everything to be comfortable—that is the first characteristic. The second thing, ladies and gentlemen, is this, and that is the serious thing: He is indifferent to everyone about him. That is the average man. Those are the characteristics of the average man. Why is he satisfied with remaining the average man?

Well, I would say that the first reason is he is reluctant to apply himself. He applies himself only to the things from which he is making a living and some money to buy the things that are comfortable, and he gets into a routine habit of life, and lets everything else fall by the wayside. He makes no effort to rise above.

And the second reason is he becomes satisfied with that condition and is satisfied to let well enough alone. That is a serious condition when we are only satisfied with that which is well enough.

We, in times past, have failed to realize and to learn, or to be taught and to teach others, the art of self-management. This nation will have to begin soon teaching our young boys and girls the art of self-management.

In this conversation which Bruce Barton had with H. G. Wells, Mr. Wells quoted from a speech given by Mr. F. W. Sanderson, headmaster of the Oundle School before the headmasters of English schools at Leeds, as follows:

"'We have been training our boys for aristocracy,' he said. 'We shall have to train them now for service.'"<sup>2</sup>

<sup>1</sup> Barton, *H. G. Wells Picks Out the Six Greatest Men in History: An Interview with the Famous Author of "The Outline of History"* (1922), AMERICAN MAGAZINE, pages 13-15, and 147-150. Editor's note.

<sup>2</sup> Barton, *op. cit. supra*, note 1 at 150.

That is what we need in the world today. We must train our boys and girls for service. Service is the measure of life and the sphere of that measurement is in this generation; the sphere of our service is in this generation.

And that is another thing that the average man does, he thinks there is plenty of time, and he doesn't realize that the emphatic day in life is today. Tomorrow may never come, and if it does come it will be burdened and mortgaged with its responsibilities and all its necessities. Our activities must be presented today. It is today that we accomplish what we do. Hence, the average man, when he becomes middle-aged is a discouraged man, he is a defeated man, he has nothing to look forward to, no joy, no hope, nothing to accomplish, no incentive.

We must train our boys and girls of today for service if they are to rise above this average man, and when we rise above the average man of today, we raise virtue. Every man and woman ought to start out early in life to realize that that is their prerogative and their duty, to raise virtue a little higher as they pass through the world.

I thank you. [Applause.]

PRESIDENT PRICE: I think Mr. Miller's talk was peculiarly appropriate for an outfit like ours, because if we didn't want to serve other people, we certainly would not be in this business, because that is our whole reason for being. No one of us entered this profession to make a fortune and, as far as I know, nobody has; but we do like to wait on people and to serve them. It increases our chest expansion considerably, and we go home and tell our wives and our

friends how we helped somebody out of a hole that day, and it makes us feel very good indeed.

We have tried to arrange this program for the returning G. I.'s, male and female, and I will, therefore, ask one of them to reply to Mr. Miller's greeting. Mr. Stanley West, who is now Assistant Librarian of the Columbia University Law Library, has recently retired as a lieutenant in the United States Naval Reserves. Mr. West.

#### **RESPONSE TO THE ADDRESS OF WELCOME**

STANLEY L. WEST  
*Assistant Librarian, Columbia  
University Law Library*

Mr. President, Mr. Miller, and Ladies and Gentlemen: I had prepared an average response to an average welcome, I am afraid. Mr. Miller's talk was certainly far from average, far from routine.

I just want to thank you on behalf of the Association for the really fine talk and to tell you that we are glad to be here.

We have already discovered that your city is a beautiful city. I don't see how we could be in this hotel and see the park, and the beautiful boulevards, and enjoy the air-conditioning here, without having a very good appreciation of the beauty and the friendliness of the city.

Thank you, Mr. Miller.

MR. ALBERT MILLER: Thank you, and thank you, Mr. Price. I hope you all enjoy your stay here, and anything we can do to make it comfortable for you we will be glad to do.

PRESIDENT PRICE: Thank you very much. [Applause.]

PRESIDENT PRICE: Looking over past programs, I noticed that the next thing on the program is always a report of the President.

### REPORT OF THE PRESIDENT

MILES O. PRICE

*Law Librarian of Columbia University*

I was afraid that I might get myself into a job, so I carefully abstained from reading any of the reports of any of my predecessors. However, I did read over, on the train coming out here, a paper which will be presented here tomorrow, in which occurs this paragraph:

"The American Association of Law Libraries still exists, and so do the law libraries of the United States. That fact is a symbol, and not an insignificant symbol, of what we have won. In some countries of the world, law libraries will have to be reborn; in fact, law itself, will have to be reborn."<sup>3</sup>

Well, the American Association of Law Libraries and law libraries, as you know, have been through the wringer since 1942, and to me it is one of the most gratifying facts, one of the most heartening things to realize that we have come through this ordeal as a vital organization composed of people who are fulfilling a vital need.

The law libraries of these United States, and Canada, and of other countries, have a reason for being. We are serving people. They can't get along without us. The law library is not a luxury as a library is in some fields. The law librarian, for one thing, does not ordinarily have to defend himself at all, he doesn't have to show why there should be a law library. What he has to do is to show that he is a

competent law librarian and can build up a decent library, and give decent service, because lawyers and law schools can't get along without him. However, during the war the law schools were very hard hit, indeed. As you know, Harvard went down from about 1,500 enrollment to 35 or 40; Columbia went down from over 500 to about 40; and a good many others suspended their operations entirely or curtailed them. While that was not true to anything like that extent in the bar libraries, and the court libraries, they also had their difficulties.

Many of our best people were of just exactly the age and special capabilities to be called to the service of their country in one capacity or another, and they went, and we had a hard time—there is no denying that—and we are here this morning to pick up where we left off.

Last year we met at Rochester, New York, and had a very profitable meeting, but unfortunately not very many of our G. L.'s were there. This time we are meeting with them, and there are a number of them who have been able to come here.

During the year just past, the Association has gone through quite an ordeal. Helen Newman, who has come to be identified so much with the Association, that it is hard to conceive of it without her, found it necessary to resign the position of Executive Secretary-Treasurer which she had held so long, and with such distinction.

We were very fortunate indeed, in replacement, to get Helen May Smith Helmle, who is the Librarian of the Equitable Life Assurance Society of the United States, and has had wide ex-

<sup>3</sup> Barr, *The Future of Law Library Conservation* (1946), 39 L. LIB. J. 142.

perience as a law librarian. She is as well-known, I presume, to the membership, as anybody else, and she is a person with business training which has fitted her admirably to carry on where Helen Newman left off.

Not the least of Mrs. Helmle's qualifications is an indulgent husband who has been more or less browbeaten into permitting her to carry an abnormal load of the Association work.

After going over the matter with Mrs. Helmle, who is on the other end of a telephone from me, and about twenty minutes away by subway, we have come to the conclusion that the Association during the succeeding years must take stock of itself. It must define the powers and duties of its various officers. There is nothing in the available precedents which adequately describe those, which tell us what has been done, what should be done, what can be done, and what cannot be done. We lack a good many of the most elementary parts of a sound business set-up. We have no budget. There are many things that we lack.

Mrs. Helmle and I, with the assistance of the Executive Committee and other committees this year, have attempted to make a good start, and with that, Laurie Riggs, our new President, is more than in accord. He was prodding us and, I have no doubt that during the coming year more progress will be made.

The *Index to Legal Periodicals*, which is one of the foremost of the activities of the Association, will show, in Mr. Riggs' report, a gradual, but a steady increase, even during the war years. That, we think, is something to brag about.

We trimmed no sails. We went along

and we did the same kind of a job that we had been doing, during the war, and we continued to make a little money. On the other hand—as will appear this afternoon—there are serious flaws in the *Index to Legal Periodicals*, well known, indeed, to those who are responsible for getting it out, which we think ought to be examined and perhaps the whole policy of the *Index to Legal Periodicals* should be re-examined. That will have to be taken care of during the next year.

Many organizations dropped their Journal during the war, or mimeographed it. We considered doing that because our finances were hard hit by the fact we lost so many members, but we were rather proud of our Journal which Helen Newman and others had brought up to a high state of efficiency as a professional Journal, and we didn't want to do that. Instead, the Executive Committee decided to curtail the publication. We made it a quarterly, but it is printed and still bears its mast-head and its proud cover page, and it is the *Law Library Journal* as ever, with Jean Ashman, who has done a magnificent job as Editor under almost impossible difficulties during the war. That is another thing that the Association is proud of.

That is the extent of the report. The rest of it will be covered in more detail by Mrs. Helmle and others, but I wish to emphasize again that the Association is an organization, a group of people who are proud of the job they are doing, who have a job of which they can well be proud; it is a necessary job.

During the war, we had a hard time, but I am not going to harrow the souls of our G. I.'s who have been in the fox-

holes and on the fighting decks, and in the Pentagon, with our troubles, but we had troubles and they were real troubles. We have come through and we are ready to start ahead where we left off, and I think we can continue to be proud of the American Association of Law Libraries. [Applause.]

The next report will be that of the Executive Secretary-Treasurer, Mrs. H. M. S. Helmle. The "H. M. S." to you Canadians, does not mean "His Majesty's Ship;" it means Helen May Smith. Mrs. Helmle.

#### **REPORT OF THE EXECUTIVE- SECRETARY AND TREASURER FOR 1945-1946**

HELEN M. S. HELMLE

*Librarian of the Equitable Life  
Assurance Society*

Mr. President and Members of the Association: As you all know, Miss Helen Newman resigned as Executive Secretary-Treasurer of the Association, November 1, 1945, and the Executive Committee appointed me to succeed her.

You are interested in the funds, I know. The balance in the general fund, May 31, 1945 was \$2,490.15, with one check outstanding in the amount of \$8.11. Receipts from June 1 to October 31 totaled \$1,258.00, and disbursements totaled \$1,045.29.

In November, there was transferred to me, \$2,705.75, in the general fund. In turning over the accounts to me, Miss Newman advised that owing to lack of help during the war, she had not been able to bill the members and subscribers regularly. After an ordeal of billing, writing, and thanking, I have the pleasure of reporting to you a balance in the general fund as of May 31,

1946, in the amount of \$5,199.33, with checks outstanding totalling \$506.52. Net balance—\$4,692.81. As you see, the \$4,692.81 compares with the balance of \$2,490.15 as of May 1945. There are, however, several contingent bills and refunds to chapters. I believe these may amount to \$100.00 or more.

On the other side of the ledger there is owing to the Association some \$27.00 for advertising in the February 1946 issue of the *Law Library Journal*, and all of the advertising in the May 1946 issue. The accounts for the advertising are not billed until the *Journal* is printed and distributed. Unpaid dues for 1945-46 amount to approximately \$60.00 as of May 31, 1946. The record shows members as follows:

1 Honorary;

14 Life;

40 Associate;

116 Individuals.

Twenty-seven were dropped for non-payment of dues during the year.

Institutional members, that is the libraries which have this type of membership, numbered 99. Two were dropped for non-payment during the year.

In the year 1945-46, however, there were thirteen new individual members, and two individual members reinstated; one had been dropped and reinstated for the year.

Our fiscal year 1945-46 has ended and we look forward to the new year. Already we have seven new individual members as of June 1946; one institutional; and two associate. The two associate members have just been accepted for membership by the Executive Committee this morning. They are: Mr. Fred Rothman, whom you knew as an individual member and who now is

a book dealer in New York; and Mr. Cecil Skipwith, who is a book dealer in Los Angeles.

Now, I shall give you some information about the Index to Legal Periodicals' Fund. All I can give are the figures given to me: Cash balance November 31, 1945 was \$5,383.55. The receipts, represented by checks from the H. W. Wilson Company, totalled \$4,074.59. The total cash received was therefore \$9,458.14. From that amount there was disbursed \$1,400.00, representing the salary of the Editor of the *Index to Legal Periodicals*, and a bonus of \$200.00 to the Editor of the *Index to Legal Periodicals*, which was voted at the Executive Committee Meeting in February 1946. That leaves a balance, as of May 31, 1946, of \$8,058.14 in the Index to Legal Periodicals' Fund. [Applause.]

PRESIDENT PRICE: Thank you. I think that is a very heartening report.

In the general fund, during the past year, we almost doubled our cash balance, which is quite an achievement, and we added about \$1,200.00 to the Index to Legal Periodicals' Fund, which is worth while.

The number of institutional members that Mrs. Helmle gave you should be analyzed to the extent that every institution has anywhere from two to eight people, who are members; so there are more members of the Association than appear on the surface. On the other hand, I think that Mr. Riggs, during the next year, will have a job laid out for him to retrieve more of the members who dropped out during the war.

It was our policy to carry them as members while they were in the service, without charging them dues, but a good

many of those people when they came out, did not go back into law library service and they were, therefore, dropped. On the other hand, new people have entered the profession, and there are also many already in it who should be approached. I think we have something to offer them and can, without doubt, increase our membership.

Last February at the Hotel New Yorker, the Executive Committee, on the recommendation of Laurie Riggs, the Chairman of the Committee on Index to Legal Periodicals, voted a bonus of \$200.00 to the Indexer, Miss Wharton, who was receiving what we considered an absurdly low salary. I would like to have this Annual Meeting ratify that \$200.00 bonus.

I don't think it is legally necessary, but I would like to have an expression of opinion or a motion to the effect that the \$200.00 bonus meets with the approval of the Association.

MR. WILLIAM S. JOHNSTON (Chicago Law Institute): I so move.

MR. GEOGRE A. JOHNSTON (Law Society of Upper Canada): I second the motion.

PRESIDENT PRICE: Is there any discussion?

All of those in favor, say "Aye." Opposed, the same.

Motion carried.

During the war, many of our most distinguished librarians left us temporarily, and among those there was none who did a better job than our former president, Lew Morse. Lew was called to the office of the Judge Advocate General in Washington, and from hearsay—not from Lew, but from others—I have learned that he did a magnificent job. The fact that he went up from

Captain to Lieutenant-Colonel shows some recognition of that. He has now returned to his old position at Cornell, and has been succeeded in the War Department by Mrs. Huberta Prince, formerly Law Librarian of the Interior Department, and a former student of mine at Columbia University.

I wrote to General Green of the Judge Advocate General's Department, and asked if he would send a representative to tell us just what the government library of that type has done. We are very fortunate this morning that he has sent Major Joseph Dainow, who is Director of Research for the Libraries under the Judge Advocate General's Department of the United States Army.

At this point, I am going to turn this meeting over to Colonel Morse, who will tell us through his own lips, and those of Mrs. Prince, and Major Dainow, something of the work of that law library.

MR. LEWIS W. MORSE: Mr. President, Ladies and Gentlemen: My work is all history now. I am going to be brief about it, for I would like to emphasize the unusually fine work that Mrs. Prince and Major Dainow are doing. They have the real message to give to us. I will just talk a little about the Judge Advocate General's Department of the Army, when I went there in 1942. I must confess, I hardly knew, then, what the Judge Advocate General's Department actually had to do. I soon found that it was not unlike any large law office. They had, at that time, not a full complement, but a group of some one hundred and ninety officers. The officers were divided into a number of branches, or divisions as they are called, to take care of the various types of

work. Each of these divisions is presided over by a chief or commanding officer who has a number of assistants as his associates.

We had, among others, the contracts branch, the claims branch, patent branch, and military reservations section. I might say a word about one or two of these as I go along. I think the titles are quite descriptive in themselves, but in the patents branch I must confess that I didn't realize that there was any patent business going on in the Army, but I soon found that they had a tremendous number of ideas coming from the field, from the soldiers and the officers. I was amazed by the size of the office, and the size to which it grew in order to take care of the big problems.

The military reservations section is the name of the division where all the title searches and all of the papers dealing with any tract of land, camp site, or any other military reservations, purchased by the War Department are kept. There, those papers are kept on file, and all contracts and other matters concerned with them.

The tax division is descriptive by its name. That, of course, grew during the war to a great extent because of the tax statutes which were sought to be imposed by the states.

The litigation section is a large branch in which officers in the War Department are working with the lawyers in the Justice Department on matters concerning the War Department.

The military justice section was one of the very largest sections, dealing with the deportation and behavior of the soldiers. You have all read in the newspapers some of the interesting cases, and you can imagine how busy

that group was. And there was the Board of Review connected with that, whereby some of these cases were reviewed formally before they went to the President for his action.

The military affairs section is the general law section. Where the case couldn't be classified, you might say, on any other subject, it would be sent to that section for its disposition.

Another of the large sections during the war was the international law section dealing with the international law problems which were in existence at the beginning of the war, and continued to grow with the spread of our armies in action all around the world.

Then in the latter part of the war, the war crimes section developed and grew in personnel. As you know, that section did very important work in collecting the materials for use in the trials which are still in progress.

Well, that in brief is the makeup of the Office of the Judge Advocate General.

The function, of course, of the office is to be the chief legal advisor to the War Department and the military establishments and that, in itself, is a tremendous job for any organization to do well.

In order to carry on, one of the first things that we did was to establish a Judge Advocate General's School located in the beginning, in Washington; then it was moved to the beautiful University of Michigan Law School where it completed its work only recently. The fine things that were done there with the wonderful facilities and the splendid library are well known. The officers were trained there and were sent back to Washington for orientation in some

of the various branches, and then sent out on active duty with the troops in this country or abroad.

The first thing that we had to do in building libraries in the office was to take care of the needs in the main library. We had a main library for the use of all divisions, and we had to build from the bottom, you might say, because it was geared according to peacetime use. We had to build it up. Then the divisions themselves had to have smaller libraries for their own special use. And, in addition, we had to concentrate on the service commands. Now, I must say that in many of these outfits; in fact, in all outfits, no matter what the organization, you always have your headquarters at the top where you have your commanding officers; then each officer, in turn, has a staff as his advisors, and on the staff of course there has to be a legal advisor, and it was our function to equip the legal officer and his assistant with adequate material.

The country was divided during the war into nine service commands, and at the headquarters of each we attempted to equip them with a useful library. Some of the service commands, all of them in fact, during the war, were very active. They had a large working legal staff and had a tremendous amount of business, and it required a lot of attention in the matter of equipping and getting materials to them.

Then there were the ports of embarkation where the soldiers were going overseas, and, of course, these have continued to exist to take care of the men coming back. At each of these ports of embarkation we had a legal staff on the headquarters unit and there, again,

we had to build a library in each one of those.

The post camps and stations throughout the country are organized in a similar way, and they had to have legal equipment in each one of their legal offices at the camp headquarters.

I have been speaking of the Army ground forces, and the Army service forces. The Army air forces had similar set ups in this country for all their training and the other functions they were performing, their fighter units and everything. They had their legal problems, the same as any other organization had legal problems, and plenty of them. So the air forces throughout the country had to be equipped with libraries, and we attempted to equip them.

As soon as a soldier went overseas our problem was to see that he was properly equipped. The first thing we had to do when they were in training in this country was to provide a mobile sort of a library to take care of these units that were to do the fighting. We had to equip them as best we could with a skeleton library. That is, we couldn't give them as much as we could give a permanent legal office by any means. We had to get ideas from the various law publishers, and they were all tremendously helpful in getting and making available every possible thing that our soldiers wanted, and we tried our very best to give them every thing that was necessary.

So we had fighting units with mobile libraries; and when they got overseas to the theatres of war we had a headquarters at the top, then a breakdown just like in this country where they were subdivided, you might say, into their geographical units, and in each

one of them we had a branch.

We had branch offices of the Judge Advocate General in five different places throughout the world which were in turn miniatures, you might call them, of the Judge Advocate General's Office in Washington. We tried to equip each of them satisfactorily, and we had our problems of course in getting materials to them.

We had some interesting experiences trying to get materials to them by air, and by the normal ways; and I think that we were reasonably successful in doing that. With the aid of the publishers and the cooperation of so many people who are in that business, we had the materials available, and we certainly did our best to get them to the men who actually needed them; they were the ones doing the work.

The war ended, you may say, rather abruptly. We thought at one time it never was going to end, but we were fortunate in having it end as quickly as it did. Now, when I left Washington, D. C., in November of 1945, I wondered who in the world would be the person who would carry on. I wondered what was going to happen to our library in Washington and our libraries around the country and around the world. I must say that I had some pretty bad moments wondering what would happen, but then Mrs. Prince's name was brought to our attention, and after talking to her she finally agreed to accept the position. I left feeling much better because, as you know, Mrs. Prince is small in stature, but let me tell you, as you know her, she grows in stature, and she certainly is a person who can handle a difficult job.

During the end of the war period, the

library in the Judge Advocate General's Office was faced with being completely swallowed up in the reorganization of the War Department libraries. That problem precipitated itself at the beginning of this calendar year, and that was one of the most acute problems that Mrs. Prince had to face.

Well, I haven't had much news from Washington; I have heard just little tidbits here and there, and I did come here feeling that I was going to get a very sorrowful note about the whole picture there in Washington, but I have received excellent news. Mrs. Prince and Major Dainow have told me about some of the conditions there, and I really feel that not only has Mrs. Prince won out and that the libraries of the Judge Advocate General are going to be carried on as a separate entity, but they are being handled extremely well. I want at this time to carry on the continuity of our story by letting Mrs. Prince tell you about her work. Then she will be followed by Major Dainow, about whom I want to say one word.

When he came to Washington, you can hardly imagine the difficulties that he faced in the research and the index section of the office. There were just deplorable conditions due to lack of any organization and study of the problem. He not only put that department on its feet, he just bull-dozed, you might say, publications out of there that were just unheard of; that is, they never were thought of as possibilities. He made so much material available for the general use throughout the Army, that I can tell you his name will go down in the history of the Judge Advocate General's Department as one of the outstanding jobs that was ever attempted.

I am delighted that he is here this morning to tell us about what he is doing there, and when he leaves next month he certainly will have made a monument for himself. And I hope that we will get some ideas from what he has done there which we can put into our *Index to Legal Periodicals*.

Now, I will be followed by Mrs. Prince who will carry on, if you please. Mrs. Prince. [Applause.]

MRS. HUBERTA PRINCE: Mr. President, and Ladies and Gentlemen, Members of the Association: Please let me first take the opportunity to thank Colonel Morse for the encouraging remarks. I need all the encouragement I can possibly get.

Mr. Price handed me a relatively difficult assignment when he asked me to talk about the library of the Judge Advocate General's Department of the Army. As an old student of his, I may say this is not the first time he has done so. In this case, it was with the suggestion I discuss also certain phases of the work of government libraries, particularly the service they can give to law libraries outside of Washington.

[Mrs. Prince thereupon read her prepared address as follows.]

#### THE LIBRARY OF THE JUDGE ADVOCATE GENERAL'S OFFICE OF THE UNITED STATES ARMY

HUBERTA A. PRINCE  
*Director of Libraries of the Judge  
Advocate General's Office*

Discussing the future peacetime program of the JAG's Library, following Col. Morse's story of the magnificent work done during the War is rather like reading by candlelight after the electric

lights have gone out, for with Col. Morse's return to civilian life in October 1945, this brilliant chapter in the long history of the Library came to a close. I took up the less exciting but no less exacting task of organizing its services, its personnel and its holdings to meet the swift shift to peacetime requirements.

The present program of the Office of the Judge Advocate General follows by and large the pattern existing before the war, which proved itself sufficiently sound to permit a vast wartime expansion without radical basic change, yet flexible enough to absorb permanently certain war time developments which have proven their worth.

The Judge Advocate General functions as the chief legal adviser to the Secretary of War, the Under Secretary of War, the Assistant Secretaries of War, the Chief of Staff and the entire military establishment. Advice is given upon the need for new legislation and upon the merits and faults of pending legislation affecting the War Department and Army. Thousands of formal opinions are rendered by the Washington office of the Judge Advocate General's Department each year, even in peacetime, on a great variety of legal questions pertaining to the widespread activities of the Army. Judge Advocates engaged in essential military business are stationed throughout the United States and all over the world, where they handle problems reflecting almost every facet of the civil law; procurement, contracts, renegotiation and conversion, claims against the Army, patents, real estate—here alone transactions involving millions of acres are now alive—and all of the usual types of

legal questions with which the busy practitioner is confronted. The administration of Military Law, the considerable body of legal media of the Army to be found in statutes, Presidential Executive Orders, the Articles of War, Army Regulations, in directives and elsewhere, is the special province of the Judge Advocate General's Department. A particular phase of Military Law always of paramount importance, in war and peace, is the system of Military Justice of the Army, under which the penal provisions of the Articles of War operate. Examination of all proceedings of General Courts-Martial is made in the Office of The Judge Advocate General in Washington, with certain cases being reviewed as required by statute toward the end that no punishment shall be carried out except according to military law after a fair and impartial trial. With the aid of military orientation and intensive study of the procedural and substantive aspects of military law, particularly in the Staff School at Ann Arbor, Michigan, judge advocates have been efficiently prepared to ably execute this arduous phase of their duties.

The Legal Assistance program, one of the outstanding developments of this war, continues to rank high in importance and will undoubtedly become a permanent activity. This plan, under the joint sponsorship of the War Department and the American Bar Association, through which legal advice and assistance are provided to military personnel in the conduct of their personal affairs, is by now reasonably well known. The legal assistance officers of the Judge Advocate General's Department, stationed at every important

installation of the Army, are concerned with such problems as domestic affairs, advice on the preparation of wills, assistance in drawing powers of attorney and other legal instruments and matters of similar import. The plan does not include advice or assistance in any case which will be the subject of a court-martial. Such matters are handled for military personnel by the competent defense counsel appointed for the accused pursuant to the Articles of War.

At present, and for some time in the foreseeable future, Theatre Staff Judge Advocates will be stationed in the two main zones of occupation, the European Theatre and the Pacific Theatre. The Theatre Staff Judge Advocate bears the same relation to the Military Commander of the Theatre as the Judge Advocate General bears to the Chief of Staff. Staff Judge Advocates with their assistants are also stationed at strategic installations within the zone. The present problems of overseas commands center especially upon military justice, reparations claims, and matters of international law involving occupation troops and policies. Many officers of the Judge Advocate General's Department have been detailed to highly specialized work involving war crimes, to the tracking down of Axis criminals, to the procuring of evidence and preparation of the trials now going on in Nuremberg, Tokyo and elsewhere. Adequate working libraries, sometimes consisting of thousands of volumes, will continue to be assembled, shipped and maintained for these overseas Judge Advocates until the entire occupation program has been completed.

On 11 June, 1946, the long-announced Reorganization of the Army became

effective. Gone are the nine wartime Continental Service Commands with all their components. In their place is a new and streamlined organization. The Continental United States is now divided into six army areas, with a Commanding General for each of the six armies, to whom is delegated both tactical and service command. At each area headquarters, as legal adviser to the Commanding General, a Staff Judge Advocate is established with his corps of legal officers. The numerous working libraries in the former nine service commands are being consolidated at the six general headquarters; and, in addition, certain large posts and installations where Post Judge Advocates and their appropriate staffs will function, will continue to be provided with field libraries, assembled to assist in the special legal assignments of the individual installation.

All of these libraries in the continental United States and overseas, are serviced and maintained by the Judge Advocate General's central library at Washington, where control records are maintained under the accounting system of the Quartermaster General of the Army.

For the past several years, as a part of the long-range reorganization plan of the War Department at Washington, there has been taking place a gradual consolidation of the many libraries formerly maintained in numerous branches located in the famed Pentagon Building with the objective of developing a central library to serve efficiently the research requirements of the War Department. Some twenty-eight technical collections, among the most important of which were the Army Industrial Col-

lege Library, the Signal Corps Library, the Air Corps Library and the Ordnance Library, were merged in 1944 to form the War Department Library, which functions under a Coordinator of War Department Libraries. Major James M. Horan, an officer of the General Staff, as Coordinator has effected these consolidations within a period of less than three years. The combined collections comprise approximately 110,000 volumes of scientific and technical research materials touching on every phase of the Army's activities, and 1,000 periodicals, domestic and foreign. A staff of 50 trained librarians, supplemented by clerical assistance in adequate proportion is gradually developing a highly skilled service to the whole of the War Department. This experiment is being watched with considerable interest in many circles, as the merging of the many diverse specialized collections without a complete breaking down of the equally specialized services previously rendered has presented a series of nice problems in library administration.

The advantages of such a consolidation are obvious. Major Horan, the Coordinator, as an officer of the General Staff, represents the highest echelon in the Army, and the consolidated library functions directly within the Office of the Assistant Secretary of War. Thus the library is established at a sufficiently high level to assure favorable consideration of matters involving policy, personnel, finance and the other problems that plague library administrators.

In January of this year, the Library of the Judge Advocate General, which

had functioned independently as a law library for more than eighty years, found itself suddenly in the process of being consolidated, and was metamorphosed into the Law Division of the War Department Library, with a mission to become the legal research center for the entire War Department, for, in addition to the Office of the Judge Advocate General, many bureaus and offices of the War Department maintain legal staffs, composed of both military and civilian lawyers, who are responsible to their Bureau Chiefs. A survey of the responsibilities of the newly created Law Division, in relation to the holdings, organization and policies of the consolidated library, with the consciousness of its broadened obligation to the entire Department, has consumed the greater part of the past several months. Organization problems common to such consolidations, enhanced by a need for the substantial degree of autonomy of operation recognized by law librarians and their clientele as essential, are gradually resolving themselves into a workable pattern—not without stress and strain, however, particularly reflected by the legal staff of the Office of the Judge Advocate General, who suddenly found themselves without their Law Library and its highly personalized services, with frequently unhappy results.

It is manifestly impossible to detach lawyers from their law library and expect them to function, and since The Judge Advocate General pronounces the legal opinions of the War Department, his program and his staff of legal experts will necessarily receive first consideration in developing the services of the Law Division of the War Depart-

ment Library. This dual responsibility of the Law Division, considered in conjunction with the over-all program of the War Department Library, forms a pattern of rocks and shoals, to borrow a term from our ally, the Navy, which it takes a bit of navigating to steer through into open sea.

I believe, however, that the most difficult period of the transition lies behind us and that we may look forward to developing progressively in step with the forward-looking program of the Army now evolving.

#### **Government Law Libraries**

I know that Mr. Price is particularly interested in the second phase of my topic, Government Law Libraries, and the services that may reasonably be expected from them by out of town libraries.

Government libraries now may be divided into two general categories—the old line departments—and the wartime agencies. The old line departments have retained throughout the war period a conservative attitude toward their libraries—their appropriations have been rigidly restricted by Congress and they have jogged along as usual with too little money and too little help—both of which situations have been keenly reflected in their library budgets. The wartime agencies on the other hand were quick to see the value of good libraries and well trained library staffs. They recruited good people and they paid good salaries. Many government librarians left long-standing jobs to bask in the sunshine of the fast moving, free spending war agencies—in some instances an agreeable change from the stodgy, indifferent policies of the old

line departments. The lush days of free spending are gone now, however, and the reckoning is upon us. Wartime agencies in many cases are dissolving, staffs are being reduced—temporary jobs are in jeopardy—incumbents are faced with the necessity of taking professional Civil Service examinations—and many are looking longingly toward the stable old line departments that are still plodding.

No one should harbor the delusion that a government librarian jogs along in a comfortable rut. There may be ruts in the federal service, but some years' experience has convinced me that a law librarian's job is more nearly a series of crises! And that life is far from dull! The university librarian's faculty problems and the impact of the many varieties of advisers, committees and boards that hold the library's welfare in their hands can be matched item for item in the amazing and ever-changing government hierarchy. The liberals, the autocrats, the reactionaries, the viewers-with-alarm—the penny pinchers—the fault-finders—and the all-too-rare-one-person-who-understands, can be ticked off on the fingers of any government librarian.

Each government library has its distinct individuality, reflecting to a minor degree, perhaps, the personality of the librarian but bearing chiefly the deep imprint of the specialized work of the agency. A leisurely survey of the shelves of the law libraries in Washington reveals an amazing diversity of holdings. Of course all the standard materials are there—West, Lawyers Co-op, Thompson, Dennis, Carswell, CCH, Prentice-Hall, Baldwin and the rest, but after the lawyers' staple diet has

been adequately supplied come the unusual, distinctive collections. The older libraries carry an aura of age and dignity with fine and frequently rare historical collections in their special fields—and in government documents generally. The wartime agencies display beautiful new reprints of everything the less prosperous old line departments are always meaning to replace—and do not go in for dust and cobwebs. Quantities of very specialized pamphlet materials of particular wartime value supplement the standard works, and in many cases may be obtained by the interested outsider only through the agency and not through the Government Printing Office.

The contacts established through the several active library associations in Washington have developed a warm liaison among the librarians and most liberal inter-library loan policies have resulted. Miss Finley will tell you of the excellent pioneer work the Legislative History Committee of the District of Columbia Chapter of the A. A. L. L. is accomplishing in compiling a union catalog of the legislative histories prepared in the several departments and agencies, which will eventually be offered for publication in the *Law Library Journal*.

The service that can be offered to out of town libraries appears to be restricted by two factors mainly; (1) language contained in the appropriation acts of certain agencies which eliminates possibility of exchange of law books or periodicals and establishes rigid accountability procedures, (2) the restrictions imposed by inadequate staffs already struggling under an unduly heavy workload.

Within the area of operation not affected by the foregoing factors, every librarian with whom I have discussed the matter has professed willingness to offer all possible assistance to out of town libraries requesting either information or publications. Most of the librarians feel free to handle out of town inter-library loan requests at their own discretion.

The most useful guide through the mazes of the special library collections in Washington, is the recently released second edition of the processed booklet prepared by the Reference Division of the Library of Congress, entitled *Library and Reference Facilities in the Area of the District of Columbia*, which lists the names of the librarians, the addresses of the libraries and contains brief descriptive statements of special holdings.

The reply I received from the librarian in nearly every case began with "If we had more people"—"but you know we are barely able to carry our work load as it is"—"we let so many people go during the war"—"our budget has been cut" and so on. I've never heard of a library that was not short-staffed—but it seems as though the situation is particularly acute at this juncture. Librarians have been in extremely short supply in the government, where, as elsewhere, they have been appreciated more in absentia than in persona.

Despite all of their difficulties, however, most of the libraries exert every effort to respond to all requests. The libraries of the Department of Justice, the Department of the Interior, Federal Works Agency, Civil Service Commission, the War and Navy Departments,

and a number of others have the privilege of exchanging duplicate or surplus law books and periodicals with other than government agencies, and in practically every case, the librarian expressed the wish that there be an active central clearing house for such materials. The Civil Service Commission Library handles a fairly active information-by-mail program and distributes documentary material on request. That Library also prepares a Bibliography series on timely subjects which may be had for the asking. The Justice Department Library has certain restrictions on official exchange of documents but stands ready to offer any reasonable information service within its province and to furnish documentary materials when available. The Manual of Library Procedure which the Justice Department Librarian compiled a few years ago resulted in numerous requests for copies, but I am given to understand it is no longer available.

The Federal Works Agency Law Library answers information requests from out of town in considerable quantity, since theirs is an activity of interest to many non-governmental agencies. They too will furnish documentary material when available. The compilation of the Lanham Act housing program including administrative and regulatory releases, compiled by the Law Librarian, has aroused a great deal of interest outside Washington, as has their periodical compilation of statutory enactments of the states and territories.

The Library of the Supreme Court will gladly furnish information by telephone or letter, but a rule of court precludes lending to other libraries.

The Law Library of the Interior De-

partment receives a considerable number of requests for information as well as for publications of the Department, which are furnished whenever possible. They exercise a liberal policy on exchange of duplicate materials and periodicals.

The former Library of the Judge Advocate General of the Army was most liberal in its exchange policies and received numerous out of town inquiries on all phases of military law and military history. As the Law Division of the War Department Library, its policies are not yet clearly defined, but aside from material restricted from general circulation for reasons of military security, it is safe to say that every reasonable request from out of town librarians will be complied with so far as possible.

The Law Library of the Library of Congress, as might be expected, has facilities far beyond the scope of the other federal libraries. In addition to the excellent services rendered by the Card Division, the Union Catalog, the Micro-film Service, and the Inter-Library loan, the Legislative Reference Division's publications are of vital importance to the work of the law librarian.

Copies of records and briefs of cases before the Supreme Court, may be borrowed from the Law Library when a duplicate copy is in file, bibliographies will be furnished on request in various fields of law, translations of foreign laws will be prepared, and exchange of duplicates is possible.

Practically all of the libraries welcome graduate students or visiting members of the legal profession, who may use their facilities freely.

I shall make no attempt to review the numerous publications, printed and processed, issued by the federal departments, since the Government Printing Office's Monthly Document catalog, which is available to all university and bar association libraries, contains comprehensive listings.

Policies and regulations affecting the facilities and procedures of government libraries are subject to frequent modification, so that I should advise any librarian outside of Washington who has made unsuccessful attempt to obtain materials or information, to try again. The willingness and spirit of cooperation that is demonstrated by the government librarians should be an encouraging sign to all university librarians and others interested in obtaining either information or materials bearing on the functions of government. [Applause.]

MR. LEWIS W. MORSE: The next speaker will be Major Dainow who is going to tell us about the research branch.

#### **LEGAL RESEARCH IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL OF THE ARMY**

MAJOR JOSEPH DAINOW

*Chief of the Research Branch of The Judge Advocate General's Office*

Mr. Chairman, Ladies and Gentlemen: The Judge Advocate General of the Army, Major General Thomas H. Green, was very pleased to receive the invitation to address your meeting here, and regrets that he could not attend himself. As head of what is probably the biggest law firm and most extensive legal institution in the world, General

Green appreciates the work of this Association, because the indispensable tools of a lawyer's trade are his books and research materials.

It is a privilege for me to represent The Judge Advocate General on this occasion, to express his thanks and to convey his greetings to you.

The story of the law library of The Judge Advocate General was in many ways a thrilling adventure to those who lived it, and has been described admirably to you by your own Lew Morse who directed and executed the entire wartime operation, and by Mrs. Prince who is steering the less glamorous but none the less important course through adjustment to reconversion.

In view of the fact that The Judge Advocate General is the legal advisor to the Secretary of War and to the Army, and that our Department reached a total membership of about 2800 officers of whom as many as 350 were on duty at headquarters in the Washington Office, it may be of interest to you to hear something about our general research facilities and publications.

To begin with it would be well to indicate briefly the scope of the legal interests of the War Department, and the organizational relationship of other legal offices throughout the War Department to the Office of The Judge Advocate General.

It is well known that every army outfit must have some administration and "housekeeping," but it may be a surprise to some people that every military establishment, from general staff to the divisions in the field, had its legal office staffed by lawyers. Likewise, Judge Advocates headed up the legal

offices in all branches of the service—Ordnance, Engineers, Signal Corps, Surgeon General, Selective Service and so forth—and in all overseas theaters of operation. The Air Judge Advocate had a large office of his own, as did the Staff Judge Advocate of the Air Transport Command. In addition, in the combat theaters, there were Branch Offices of The Judge Advocate General which were not subject to the jurisdiction of the theater commander but were exclusively under The Judge Advocate General.

These legal offices, spread over the whole world, had to cope with an infinite range of legal problems. When a local office could not reach a satisfactory solution, the matter was referred to a higher headquarters, and in due course, the most troublesome questions came to the Office of The Judge Advocate General for an opinion as to legality. The requests for opinions covered the multitudinous phases of court-martial procedure, the legality of contracts and bonds, the validity of titles, the payment of claims, the status and personal problems of military personnel, the seizure of plants and their operation, international problems of military operations and war crimes, and so forth, almost *ad infinitum*.

The most important single phase of work was the administration of military justice throughout the Army, together with the automatic review of every general court-martial case. Accordingly, a vitally important part of the research service was devoted to keeping Judge Advocate officers abreast of current developments in that field.

As I get into the details of our actual research facilities and their operation,

I realize that your situation is not the same as ours, neither as to scope nor as to nature. However, there is one great common denominator which does bring them all together, and that is the service being given to legal research; and there may be something in our experience or operations which is of interest or may be of direct usefulness to you.

Apart from printed books and pamphlets—both commercial and War Department publications—which are located in our law library, we have a vast quantity of research material which is mostly in manuscript form. Primarily, there are the previous opinions of The Judge Advocate General and the holdings of the Boards of Review, for the past 25 years. Then too, we must keep in close touch with the decisions of the General Accounting Office because its chief, the Comptroller General, is the one who decides whether payment should be made or not, regardless of any other opinion as to legality by the legal office of any governmental agency. Likewise, the opinions of the Attorney General constitute an essential part of our research materials.

Some of the decisions of the Comptroller General, Executive Orders of the President, and acts of Congress, are eventually published in book form, but in order to meet the needs of research on very current problems, these materials have to be processed in quasi-manuscript form.

The Research Branch of the Judge Advocate General's Office consists of three very closely interwoven units: the Digest Section, the Military Laws Section, and Publications.

### DIGEST SECTION

In the Digest Section, the basic compendium of working materials is a tremendous file of digest cards, numbering about 100,000, and classified under about 10,000 headings which are grouped into 20 main subjects. Our object—stated in a nutshell—is to locate for the researcher, all the cards which pertain or which might be relevant to his problem, and which he should consider for the disposition of his case in hand.

The work in the Digest Section can be described as falling into two categories: (1) the preparation and classification of digests, and (2) the finding of all pertinent digest cards for any given problem.

Underlying everything, there is necessarily a fundamental classification system, comprising a small number of integrated main topics but with hundreds of subdivisions. Much time could be spent discussing the nature and importance of classification systems, but you are all familiar with the West Publishing Company's "Key Number System," as well as other classifications in use. The system has to be sufficiently extensive, and also flexible because it must be adaptable to cover materials. It cannot work satisfactorily the other way—materials are not flexible and they cannot be forced into a stereotyped classification. As a matter of fact, we also have a second classification system which is worked out on a more legally scientific basis but it was physically impossible to make a complete change-over, so the second was set up collaterally, and provides a sort of cross-fire from another point of view, for access to the same well of materials.

In connection with the first of the functions mentioned, namely, the preparation and classification of digests, there are several operations. The first is selection for digest, because a large number of cases are matters of routine or repetition and can be set aside. Then, in the making of digests, all cited references are consulted and important prior cases compared, and a classification indicated after examination of other cases filed in the same place. Where a case involves two or more points of law, several separate cards are made, so that the materials in any one place are complete and self-contained. Cross references, as such, are used only from headings to other headings. After the digest and classification are reviewed (which sometimes involves heated legal discussions) the cards are duly filed. Occasionally, new headings have to be made and incorporated into the whole system; frequently, new cards have to be added in the extensive subject index file. In this process, index cards are also made for statutes, Army Regulations, War Department Circulars, and so forth. Also, in a separate file, a card is made for every single case, to show whether it was digested, and if so where the digest cards were classified.

The service to current research is furnished in many ways. The finding devices are varied and numerous, and usually the subject is satisfactorily covered without going through all possible processes. However, the importance of "negative" research, where nothing is found on the subject, is very great; and the responsibility for concluding that the point of law has not previously been considered is very heavy. Accordingly, all possible avenues of inquiry are

investigated, and if there is still no find, it is more than reasonably safe to say that there is nothing.

In every library or research office, there are always some people whose good memory short-cuts many processes and saves a lot of time. Although we have been fortunate in that respect, it has been our purpose to establish the facilities on an objective basis. The order of procedure varies not only with the nature of the inquiry but also with the manner in which the question is presented.

An officer may ask for materials on a clearly defined question of law; he may ask whether there are materials pertaining to a certain statute or regulation; he may state a set of facts or a hypothetical situation; the approaches are innumerable. It is the business of a research agency to supply information; we cannot set uniform patterns for inquiries; problems arise in countless ways, and all lawyers doing research do not go through the same mental process and analysis. Our purpose is to render service to all, and while our facilities may appear unduly numerous for reaching into the same basic materials, our policy is to meet each inquiry in whatever way it is presented.

For a comprehensive picture of the digest files, there is an outline list of all the headings on a visible panel arrangement. The main subjects, headings and subheadings (about 10,000 in all) are each listed on a separate narrow strip, and the use of different color strips identifies the bigger divisions more rapidly. One panel holds about 75 strips, so a wide coverage is caught in a single glance; and each item has the reference to the classification under

which the digest cards are filed.

Our second classification outline is arranged somewhat differently, and while it refers to the basic digest files it also carries references to other materials such as the Manual for Courts-Martial, the Military Laws, and also some pertinent law review articles. This outline is in a visible file cabinet, and has its own alphabetical index on a visible panel arrangement.

Alongside these two main outlines, there is a general alphabetical index which contains 40—50,000 cards.

Among the card indexes in frequent use are the following:

- (a) Statutes at Large (and Revised Statutes)
- (b) United States Code
- (c) Army Regulations
- (d) National Defense Act
- (e) Veterans Regulations
- (f) War Department Circulars
- (g) Manual for Courts-Martial

The research materials on any of these subjects can be located very quickly from a given specific reference.

A separate index is kept for all the Comptroller General materials, showing the manuscript reference, the published reference of printed cases, and the classifications under which digests are filed.

This parallels the index which is kept of all the Judge Advocate General materials, showing whether each case was digested or not, and if so where the digests are filed.

One of the more recent facilities is a citator of JAG opinions and some of the other materials included in our files. This covers the period of 1 January 1942 to date, and these cards show all cases cited in opinions since 1942.

One of the difficulties of a research

office is that there are no immediate visible results of the work done. The nature of the office is to be a service unit; the production of legal opinions comes from others. The gratification is in the total over-all efficiency of the whole department. As a service unit, the purpose is to give service. As needs became felt, we devised means of meeting them.

Thus, it became apparent after several experiences that there was not available anywhere in the War Department an index of the statutes which are cited in the Army Regulations and which are the basis for much of the implementation in the regulations. It was a long and tedious task to start from scratch and make up such an index, but our officers frequently felt the lack of it so we made one ourselves and keep it up-to-date. It has proved very useful.

For our own purposes as well as for the convenience of researchers, we have bound in library buckram all the manuscript JAG materials which were used during the past few years, as well as all the unpublished manuscripts of the Comptroller General. The same has also been done for the older mimeographed JAG materials. It is a tremendous convenience for research to have these bound volumes—about 200 already—instead of thumbing through endless file cabinets of crumpled papers.

In order to be moving forward and making progress all the time—in addition to carrying on regular work—we always had in hand a number of new projects and pegged away at them as occasion permitted. Over a period of almost four years, these extras have made a significant contribution.

#### MILITARY LAWS

*The Military Laws of the United States (Annotated)* is a work that may be familiar to many of you; it may not be to others. Its preparation and publication is one of our functions in the Research Branch. At the present time, the basic volume is the eighth edition (1939) which contains 1,200 pages, and Supplement III (1945) containing 1,000 pages, is a cumulative volume covering the legislation of the 76th, 77th, and 78th Congress for the period of 1939 through 1944. It may be of some interest and use to describe briefly the nature of that work and how it is performed.

The main purpose of this publication is to collect in one place all the federal laws which affect or pertain to any phase of the War Department and the Military Establishment of the United States. This covers not only the organization and operation of the army and other strictly military matters, but also matters of a general nature which concern all government agencies. Thus, the chapter headings in the Military Laws include not only "Army Personnel," "Military Training," "Articles of War" and so forth, but also "Contracts," "Claims," "Public Money and Finance," "Civilian Officers and Employees," "Supplies and Services" and many other general topics. As a compilation of existing law, the convenience of reference has been of inestimable value.

The Military Laws has been a War Department publication for a long time—since about 1862. A great deal of care goes into its preparation. Every single act of Congress is examined, and sometimes taken apart clause by clause, in order to determine the selection of

material which comes within the scope of the work. If something is not directly pertinent but does have some relevant significance, it is selected for inclusion as an annotation.

This process of selection is one of considerable responsibility and requires meticulous care by qualified persons. Existing laws, and even repealed or superceded laws, have to be studied to ascertain the effect of new laws; even the omission of a certain provision in recurrent appropriation acts has to be noted.

After selection, each item is classified and allocated to the appropriate sections; then it is filed accordingly. In due course, the materials accumulate for the next supplement, or for a new edition. In this connection, the procedure we use for the purpose of keeping our files in a constantly current condition is as follows: When Supplement III (covering 1939 through 1944) came off the press, each separate item was cut and pasted on 5x8 cards and filed—it took weeks and weeks to do this—and as new current materials are added they are prepared on similar cards and inserted in their proper place.

In addition to the usual subject index, the Military Laws contains several Tables, for reference by Statutes at Large, United States Code, Executive Orders, National Defense Act, and so forth.

A very important phase of the Military Laws publication is the numbering system of its sections. Each chapter covers an assigned block of numbers, and further additions have had to be made by the insertion of letters and sub-numbers. As a number system, it could have been planned more scientifi-

cally, but as a key system it has served a most useful purpose in research because it has been followed as a basic pattern in the two other legal publications which together with the Military Laws comprise the basic kit for research in military law, namely, the Digest of Opinions of The Judge Advocate General 1912-1940 (with a 1941 supplement) and the monthly Bulletin of The Judge Advocate General of the Army which has been published since 1942. Despite the clumsiness of the existing number system, we have adhered to it closely because of the greater significance of the over-all integration.

While the Military Laws research materials are kept fairly up-to-date inside the office, this information was not available outside until the next supplement appeared at two-year intervals, after the conclusion of each Congress. During the war, this was completely inadequate, and a sort of skeleton interim service was provided on a monthly basis through the addition of a Part III in the regular JAG Bulletin. This was only in the form of a Table, but it did incorporate, by reference to the basic section numbers and abbreviated topic, an indication of all changes and their general nature with citation of the Public Law involved. In due course, these changes become incorporated into the next published Supplement, showing the full text and appropriate annotations.

#### PUBLICATIONS

This brings me to our Publications Section, and what has been its most important war-time operation, the monthly Bulletin of The Judge Advocate General of the Army. In this Bulletin we published digests of selected opinions

of The Judge Advocate General and holdings of the Boards of Review, decisions of the Comptroller General and the Board of Contract Appeals, opinions of the Attorney General, pertinent federal and state court decisions, and a few Executive Orders of the President affecting the War Department or the Army. To the widespread legal offices of the Army and to the Judge Advocates throughout the world, the Bulletin was the only source of information on current developments in the field of military law and in the administration of military justice. The original printing of about 18,000 copies in 1942 was so insufficient that, after the reprinting of all the early issues, the printing order was increased several times until it reached a peak of about 53,000. As the Army later began to shrink, the printing was reduced accordingly.

The preparation of the Bulletin involves numerous and varied procedures with regard to selection of cases, writing and classification of the digests and cross references, review and editorial work, and the completion of details for printing. These phases are almost entirely technical so I will not burden you with them. From the point of view of research, however, there are a few things which may be of more general interest.

The organization and arrangement of the material in the Bulletin follow the pattern in the published volume of *Digest of Opinions of The Judge Advocate General, 1912-1940*, and both are based on the numbering system in the Military Laws, so that research started in the older basic materials can be carried through the most current issues of the Bulletin on a very simple basis. The

purpose of such a coordination may seem to be too simple and too obvious to warrant mention, but in the military law publications before 1939 there is such a diversity of classification systems and patterns of publication that the simple ideas of unification and consistency have made a world of difference in the research work.

To facilitate research in Bulletin materials, there was published at the end of each year, not only a very thorough-going subject index but also numerous Tables for reference by Statutes at Large, United States Code, Constitution, cases by name and file number, and so forth, including a much used Table showing the location of the Bulletin sections in the scattered issues throughout the year. At two points we were able to make consolidations, so that the whole period of 1941 through 1945 is now covered in two indexes, one for 1941-1943, the other for 1944-1945.

In connection with our bulletin materials, we have card indexes showing what cases had been published and where, and one cumulative file in which every published item is pasted on a separate card and filed together with all other items published under the same section number classification.

Many and frequent were the reports which came back to us from all over the country and all over the world that the Bulletin was their legal bible; each issue was awaited eagerly and any of the items might contain the answer for a troublesome problem. Whether it was the extra pay of a flying officer or the validity of a government contract, the admissibility of evidence or the capital punishment by a court-martial, or anything within the wide range of military

law, the Bulletin was the main and only regular source of information on current interpretations and holdings. The Bulletin is still being published and will be continued for some time.

I would now like to pass to one other publication which we put out during the war-time period. It was called the Current Legal Bulletin, and was started as a special service to procurement agencies when that program was going forward at a terrific rate.

This was a more informal and a 2-page weekly affair, and since timeliness was of the essence it was mimeographed and mailed directly to each recipient to avoid the delays of routing through channels. The legal officers in these agencies simply could not go through all the materials which might contain pertinent or important developments, and our function was to examine all these materials and list the selected items under a relatively small number of appropriate headings, with a brief indication of what it involved. The materials we covered included all the War Department publications such as Army Regulations, Circulars and so forth; opinions of The Judge Advocate General, Comptroller-General, Attorney General, and Board of Contract Appeals; The United States Law Week and advance copies of the decisions of the Supreme Court and Court of Claims, all the advance sheets for the federal and state courts, the various special C. C. H. and other services, and anything else which might possibly have items of interest to procurement agencies. Besides, since these were military establishments, we included other items of a more general nature which would be of interest or value to them. The whole

thing was a sort of informal affair but it rendered tremendous service to a great many people, and the response was very gratifying.

Of all our publications, the greatest single source of materials for research in military justice is the compilation of Opinions, Holdings and Reviews of the Boards of Review. The main purpose of this compilation is to serve the research needs of the Boards of Review and the Military Justice Divisions of the Washington office and the other very large headquarters. Quite a number of volumes have already been put into service, and some of them have been covered by index and tables; more volumes are in preparation, and will cover the Boards of Review which functioned in the overseas theaters as well as the ones in Washington.

In addition to the regular publications we handled quite a number of special projects from time to time. It is not pertinent for me to enumerate them all here; I can merely mention a few to indicate the range covered. There was, for example, a 1943 reprint of the Manual for Courts-Martial (including changes up to that date, together with a few editorial improvements like paragraph numbers at the top of each page) and later the book on Military Justice Procedure to supplement the Manual. When the War Department needed convenient access to the important international conventions involved in the war, we prepared and published "Treaties Governing Land Warfare" containing the English text and the French original on facing pages. When our armed forces were preparing to land in the Philippines, there was discovered a complete lack of copies of the Admin-

istrative Code of the Philippine Islands. There were no available copies anywhere in this country or in the Pacific, so with the assistance of the Department of the Interior, we reprinted the 1934 revision of that code, together with a separate volume containing the pertinent statutes for the period from 1934 to the Japanese occupation in 1941. The supplemental materials were arranged in accordance with the subject and section divisions of the basic code, and we added a number of Tables to make the volume more useful.

Other special publications were prepared and distributed as the research needs of our legal officers required. The soldier-fighters needed guns and ammunitions and other military equipment, the soldier-lawyers needed books and reports and other legal materials for research.

The law department of the Army was an essential part of the whole organization, and while we did our work back home in crowded offices and under difficult conditions, we felt a direct and keen participation in the total operation.

In this respect, it must be noted that there existed at all times a very close and constant cooperation between the Law Library and the Research Branch. While the functions of each were separate and distinct, the two together constituted the whole research field. The Library had the books and regularly published materials, the Research Branch covered the manuscript and unpublished materials and everything else.

In our Research Branch, the maximum personnel consisted of three Judge Advocate officers, and nine civilians of whom four were lawyers. We worked hard, we met our deadlines, we gave

the service; it was a great experience.

In conclusion, I want to thank you, for myself as well as on behalf of The Judge Advocate General, for this opportunity to participate in your meeting. General Green is keenly interested in your work and extends his very best wishes for a most successful convention. For me, it was also a great personal pleasure, and I thank you. [Applause.]

PRESIDENT PRICE: I don't have to tell the people who participated in this, Colonel Morse, Mrs. Prince, and Major Dainow, how greatly we appreciate their contribution. It was a real contribution and one which, when it is printed in the *Law Library Journal*, will repay reading for pleasure, and also for reference work in the future.

Thank you, Mrs. Prince and Major Dainow, very much for your papers.

Now, I would like to ask some questions if you don't mind. It seems to me that you achieved a setup which is more or less ideal, the sort of thing that we would like to do with the *Index to Legal Periodicals*, if we had the money. We are going to have a long discussion of that this afternoon with a paper prepared by Miss Hall, of the Reference Department of Columbia University, with some suggestions. The work which you have done is in line with it, so although we, with our limited funds, can never hope to achieve the close work that you have done there, there is one thing I would like to know, and that is: how did you make this classification? Classification making is a difficult proposition.

MAJOR DAINOW: Yes; I think that states it very mildly. The basic classification to which I referred of about

10,000 headings, and which I said we tried to improve on, grew like Topsy. I suppose that is the way most things develop. The pattern was originally somewhat along the lines of the organization of the military laws, which was done in the same office. I don't know how much planning there was, because it was completely inadequate to meet the growing needs, and accordingly there developed a sort of fact-heading classification along the lines of the kind of inquiries that were being made by officers who were preparing legal opinions, and who came in search of precedents.

That kind of classification has its usefulness, of course, but it is haphazard, and it is totally unscientific, and worst of all it depends upon one person's memory.

PRESIDENT PRICE: Major, may I ask another question at this point? In this classification as evolved, do you have any sort of a descriptive word index, catch-word or what-not that will help an indexer to find the appropriate heading?

MAJOR DAINOW: Yes, there is one heading of "Words and Phrases" right in the digest cards; and of course, there is the subject index which consists of forty to fifty thousand cards broken down into every conceivable topic.

PRESIDENT PRICE: I have been playing with a classification myself, and in playing the record back, so to speak, I felt the need of just such sort of a thing for an indexer to use for consistency and speed and so forth.

MAJOR DAINOW: I think it might be of more present interest to you to know how we devised our second classification, which system I referred to

as something a little more legalistic or scientific than the first. We use it as an additional means of getting into the same basic materials, because it was a physical impossibility to make a complete change-over. When you start off with about a hundred thousand cards in one place and fifty thousand in another place, you just don't turn those over into another system overnight while maintaining uninterrupted service.

We call the second classification, the "McClenon Outline," because Mr. McClenon, whom many of you may know, was lent by the library of Congress to the War Department in 1942 for just that purpose. He was at that time on the staff of the Legislative Reference Service of the Library of Congress, and had been indexing the federal laws. There is a category of person, of whom I have only met one. He is a person who is really inspired by indexing and lives for it, and lives by it, and lives with it, and thinks it. Mr. McClenon is that kind of a person, and I have never met anybody else like him. I mention that to indicate the patience and long, tedious work that was put into our second classification outline.

To begin with, he started on the headings which we had in the basic working classification. He had been working on it for a few weeks at the time that I joined the office and I collaborated with him in the further progress of that outline. There were similar topics and subdivisions scattered around in different places, and all were considered from the point of view of legal principles rather than fact situations. In other words, claims could be classified rather by the nature of the kind of claim and the legal problem involved, or

the question of the family doctrine or applicability of state law, or the right of certain individuals to recover. Instead we had scores or hundreds of fact-headings such as red light, backing out of an alley, crossing an intersection, so that you might have for instance "red light under "R", and green light under "G." All this was arranged alphabetically without any legal coherence other than the alphabetical arrangement of the first word of whatever the fact situation was.

These were taken individually and regrouped; all matters pertaining to the same subject were grouped together, in relation to a general legal outline of principles rather than facts. That served as a basis on which to work.

Then in order to make sure that the pattern included all we wanted to cover, we examined all the available commercial classification systems to see that we had incorporated all the subject-matter which we might want to use at any time, and we put it into its proper place.

We examined the tables of contents, and the indices of important legal publications with which we had any connection, federal laws, and the state laws, and the military books, and coordinated all that material and each time made revisions. And over the period of about a year that this was in progress there ultimately developed the McClellon Outline which we now have. It is keyed to the basic materials in our general files. The original idea was to keep the two systems going until we could decide how to incorporate the best elements of both into one new system. However, we have found it more useful to retain the two, and to have the advantage of what I might call a cross-

fire; what you do not get from one approach, you might get from a totally different angle. So, we use the two, and I have one or two copies of the mimeographed list of the main headings and main subdivisions in each of those outlines, which I will leave with you.

PRESIDENT PRICE: Is that available to anybody who writes into Washington?

MAJOR DAINOW: Yes, we have a number of copies that we could send, but I do not know how much use they would be without some explanation. Of course, to anybody who is in Washington or who comes to Washington, we would be very glad to show our facilities and explain their operation, because I do think we have had the opportunity to build up quite a number of research devices. While they may not apply to the materials that you have in your own libraries, some of the processes may be of interest to you, because we have been through it, and we would be glad to share the experience wherever it can be useful.

PRESIDENT PRICE: Thank you. I have been attending these meetings for many years and to me, this has been one of the most profitable discussions I have listened to, particularly in view of our problem in improving the *Index to Legal Periodicals*.

For my own part, I expect to take advantage of Major Dainow's suggestion and go to Washington some day, and study this.

We have run over our time, because we got a late start, but if anybody else has any questions of Major Dainow, I am sure we would be glad to hear them.

MR. MARKE (New York University)

Law Library): I would like to ask Major Dainow if your organization has been working on military justice and court-martial procedure? At the present time, I am very much interested in the subject myself, because as you know, Dean Vanderbilt has been appointed to the Advisory Committee on Military Justice, War Department, and he has been trying to get together as much information as possible. I have drawn up a bibliography which I am still trying to complete. I am wondering whether you have any material peculiar to your organization?

MAJOR DAINOW: We have the opinions of the Judge Advocate General and of the Boards of Review, and we have the opinions written in our Military Justice Division; but for your purpose, I would suggest that requests for anything of that sort be addressed by Dean Vanderbilt to the Judge Advocate General who has somebody available to supply information service to that committee.

MR. MARKE: I have done quite a bit of research on it myself, and I have covered all countries, and practically all periods. Apparently the committee is interested in going as fully as possible into the subject, and their staff of researchers will cover all these sources of information. I was just wondering whether you had worked on a bibliography recently yourself?

MAJOR DAINOW: No; we haven't worked on a bibliography. You might find something of that sort in our law library. In our research branch, the materials that we use primarily are manuscripts and quasi-manuscript materials whereas printed and published materials, both war department and

commercial, are handled in the law library.

Does that answer your question?

MR. MARKE: Thank you; yes.

PRESIDENT PRICE: I am going to break in at this point, because we have some more announcements to make.

Mr. Oscar Orman, who will soon desert the ranks of the law librarians and who used to be a very good one in three law libraries, the University of Chicago and Washington University, and is now Director of Libraries at Washington University, and recently returned from the Navy, is Chairman of the Committee on Local Arrangements. He has some announcements that we should hear at this time.

MR. OSCAR ORMAN (Washington University, St. Louis): I will make this very brief, because I see we are running short of time. The first bit of information will interest all of you, and that is, that we have thus far 61 registered members in attendance, which I think is exceptionally good in view of the distances that have to be traveled and the time of the year. I think you all ought to congratulate each other on being here at a very worthwhile gathering.

This afternoon, you will see on the program we are scheduled to go to a cocktail party at the home and office of Mr. Roy Eilers. Well, that is something all of you must attend; it will really be a treat for you, I am sure.

Mr. Roy Eilers is a patent attorney of national repute; he is an interesting person, and I think you would want to class him with Mr. McClenon who is mentioned as being one of these "fiends" for indexing. Roy is another "fiend" for indexing, and you can see him in

the flesh at 1616 North Kingshighway. That is the address of his home and his library of some 40,000 volumes which is housed in an air-conditioned glass and brick library of modern design, and equipped with cold beer, ham, cheeses, and pies, and other types of equipment.

And Roy is going to show us his library which includes I don't know how many million, say two million or twenty-two million, separate clippings which he has filed in the most ingenious indexing and cross-filing system.

His library is a collection he has been working on for years. He will show you his library and make a few remarks about his experiences, and then we will have a little sustenance in the manner described. Be sure to go out there. The way to get there is to take a cab or take a bus right in front of the hotel and proceed northward for about a mile; it is right on the same street the hotel is on—1616 North Kingshighway.

Another announcement is information about the Municipal Opera. We have done everything we could to obtain tickets, but it has been sold out for months. There are some undesirable seats left, but I wouldn't suggest that you purchase the thirty cent seats because they are so far away from the stage you will be unable to see or hear much. I am sorry we couldn't make arrangements beforehand, but the situation is the same as our baseball team. They have been sold out.

Our dinner is to be at the Chase Club instead of the Starlit Roof. It is a lovely room and the price of the meal is going to be \$3.50.

There is no ball game tonight. There will be one tomorrow night, and Wed-

nnesday night, the Browns playing the A's. If you haven't registered yet be sure and do that, because we want a record of your names so we will be sure to know you are here.

As far as eating lunch is concerned, you can eat here in the hotel, or go next door to the Park Plaza; or if you want to take a stroll for a block or two you can ask the doorman to direct you to the Forest Park Hotel where there is an air-conditioned Snack Bar. Another interesting place is Joe Garavelli's which is a landmark in St. Louis, located only a mile from here. Jump in a cab and go out there; it is also air-conditioned and furnished and decorated in an interesting Italian style; good drinks and good eats.

I wonder if there are any questions now I might answer of that general nature? I think that is all, Mr. Price.

PRESIDENT PRICE: Thank you, Oscar. As to this man Eilers, I have known him since 1922. He is the most effective patent attorney in the United States. He is a very interesting character, and there are fabulous tales about this library of his, what he was offered for it by foreign governments, and refused to take.

I will not vouch for them, though I think they are true, but I wish to emphasize this: that while Oscar has laid stress upon the profit to you people to go out there, I will lay emphasis on the fun I think you are bound to have, because Roy Eilers is an interesting chap; he has laid himself out to fix us up some fun, and it is only a few minutes out there by bus, so we all ought to go.

I have here two wires I will read. One is from Carl H. Milam, the Secretary of the American Library Associa-

tion and says:

"Greetings and best wishes for successful conference from the A. L. A."

The other is from a man a good many of you know, Ervin Pollack who is Secretary of the OPA and a former law librarian, whose home is in St. Louis, and who intended to be here:

"Regret inability to attend the convention due to delay in passing OPA

legislation. Warmest greetings and regards to our mutual friends."

There will be a luncheon meeting at this time of those members of the Executive Committee who are here. We will, therefore, stand recessed until two-fifteen.

[The meeting recessed at twelve-fifty o'clock.]

#### MONDAY AFTERNOON SESSION—JUNE 24, 1946

The meeting was called to order at two-fifteen o'clock by President Price.

PRESIDENT PRICE: This afternoon we are going to talk about several of the most important activities of the Association, and our future plans.

We have a paper on the *Index to Legal Periodicals*, and we also have a report on the *Law Library Journal*. These are probably the two most important activities of the Association.

Now, I have had something to do with the *Index to Legal Periodicals* because, following the death of the chairman of the committee for 25 years, Mr. Poole of the Association of the Bar of the City of New York, I was chairman and, therefore, know something about its perfections and imperfections. It is a good piece of work which could be better; it is a useful job which could be more useful.

I asked Miss Margaret Hall, who is the reference librarian at Columbia University Law Library, to write a paper on the basis of her experience of about ten years in legal reference work in three libraries: Syracuse University, North Carolina University, and Columbia University.

Miss Hall went to the A. L. A. meet-

ing last week in Buffalo and since somebody had to stay home and keep house at Columbia, she will not be here to read her paper in person. I have asked Lew Morse to take charge of this discussion this afternoon, and he will take the floor now.

MR. LEWIS W. MORSE: I want to explain further that I am only pinch-hitting for Forrest Drummond who was supposed to take charge this afternoon. He is going to be assistant to Sid Hill, as you all know, in the Association of the Bar Library in New York City, and because of this change he was unable to be here today so I am substituting for him.

With your permission I will read Miss Hall's very interesting paper on the *Index to Legal Periodicals*.

[Mr. Morse thereupon read Miss Hall's paper as follows.]

#### A PROSPECTUS FOR THE INDEX TO LEGAL PERIODICALS

MARGARET E. HALL

Reference Librarian

Columbia University Law Library

At the Milwaukee Conference the *Index to Legal Periodicals* was a topic of animated and at time heated discussion.<sup>1</sup>

<sup>1</sup> (1942) 35 L. LIB. J. 381-391.

It still is, especially among the reference librarians, who find it at once an indispensable research tool and a source of exasperation. It certainly is indispensable, but just as certainly its value could be multiplied many times. The first to recognize this are those who are responsible for its compilation and publication, but in a time of steeply rising costs and stationary income, they say it is impossible to undertake any significant improvements, because these would all cost considerably more than is available.

I say that what is needed is more vision and courage; that if a well thought out program involving an editorial policy which shall adequately index future legal periodicals and re-index and republish much of what already is in print is presented, it will catch and hold the imagination of lawyers, teachers, judges and students, to the extent that foundations and associations of lawyers will get behind it and help put it over. What is needed is a definite program leading to real accomplishment.

It is the purpose of this paper to criticize the present makeup of the *Index to Legal Periodicals* and to suggest changes. Other ideas than those here set forth will occur to any frequent user of the Index.

First, let me state that we owe a real debt of gratitude to the various persons who have been responsible in numerous ways for the fact that these volumes and advance sheets of the Index have been reaching our shelves all these years. It is very easy to sit back and find fault with an institution already existing. Yet, without an appreciation of its qualities, not much can be built upon the original foundation. It is like a man

who wants to get married and wants a happy home but thinks all women are fools.

By recognizing the heritage which we have in the years of service that have gone into the *Index to Legal Periodicals*, and the real value of its accomplishments, we can, therefore, take the material which we have on hand, evaluate it and utilize all that is feasible, in building for the future.

The principal defects of the Index, in my opinion, may be designated as those of mechanical makeup and those of content or inclusion. By mechanical makeup I mean the way in which the various index entries are placed on the printed page. That is, the arrangement under a system of subject headings based in large part upon those in the American Digest System; and thereunder alphabetically by title of article. For the past three years an effort has been made to invert titles so as to alphabet them by significant word, a helpful innovation.

This is all right as far as it goes, but the consensus of opinion seems to be that the Index would be of greater value were the subject headings broken down to more refined points so that it would be possible to go almost at once to the entry in question, rather than wade through several pages on one subject. Some of the headings have been treated in this way, and the search on these subjects is greatly facilitated thereby. Take, for example, the matter of *Courts*, which is broken down geographically. Even here, however, this arrangement would be more useful if there were further subdivisions under such headings as *Small Claims Courts*, *Police Courts*, and *Family Courts*, with reference to court matters treated else-

where. At least "see" references from *Taxation* to *Courts*, where *Tax Court* matters are discussed would be most useful. On the whole, there should be more "see" references.

Popular and non-legal subject entries should be included in greater number, at least as "see" references. For example, there should be an entry of some sort for the *Beveridge Report*.

*Administrative Law* is a heading which has had a mushroom growth in the past fifteen years. Probably there is no topic on which more research is done in these days. My personal experience, however, has been that I go to the *Index to Legal Periodicals* only as a last resort for articles on this subject. Fourteen pages in one bound volume (the 1940-43 cumulation), is too much, without the benefit of subdivisions.

The unavoidable truth now is that, good as is the *Index to Legal Periodicals*, it still requires too much labor and time to use, too much guesswork and imagination on the part of the user, and it leaves too much valuable material substantially unindexed.

Nobody realizes this better than the management of the Index, as already stated, but along with the growth of such subjects as *Administrative Law* has come a parallel lack of funds, due to the depression, followed by the hectic period of the war when no librarian had time or strength for more than holding his own library together. And many of our best people were in the Armed Services.

Now that we are getting more settled into normal library routines, we should take active steps to pick up the recent developments of law and give them a

thorough study. *Administrative Law* is only one of the topics to be subdivided. Running along with it are such headings as *Social Security*, *Reconstruction Finance*, and *Government Corporations*, which have grown out of hand in a short period. Together with government headings are such legal matters as the new trends in *Labor Law* which affect us all. *Labor Law* has grown to be an unwieldy field of literature. And the same causes which led to the gradual evolution of long listings in *Administrative Law*, led also to long listings in *Labor*, so that there are over eleven pages on this subject, with no subdivisions, in the latest three-year cumulation.

Some of the old standby entries also have grown to great length. In the 1937-40 cumulation, *Landlord and Tenant* has seven pages, *Wills* has nine, *Income Tax* has eleven, and *Taxation* has eighteen, all without subdivision.

A systematic and all-inclusive revision and expansion of the subject heading system should be undertaken at once, so as to be ready for use in those current issues of the Index which later will be cumulated into the 1946-49 bound volume. Eventually these headings should be employed in a revision of the volumes already published, so that the entire set will be uniform in that respect, but that involves much more expense than the current indexing, and can be done later. It is because the vital need is for a further subdivision of this current material now that I am proposing that the approach be from the current period backward, rather than to start from the beginning and re-index up to the present. For each person who

uses the early volumes there are forty who use the current ones.

And it seems to me that, if we are to meet this need in a practical way, we should tackle where the need or use is greatest. There are very few headings in the early volumes which are not included in the later ones. Therefore, were the subject headings in the new volumes met squarely, these headings would apply to the earlier volumes also, with comparative ease.

The average lawyer, student and professor is concerned with the latest material he can find. This is evidenced by the fact that some libraries keep their latest ten or twenty volumes of law reviews on an easily accessible reference shelf close to the loan desk.

Naturally we desire that the users of our libraries recognize our training as bibliographers, historians and searchers for background material. But if we are to ask them to dig down into their pockets to help us financially with our projects we must show them that this Index improvement is a project which will help them to look up their practical everyday questions.

The suggested subject headings revision is not a matter to be tossed off in an afternoon. On the contrary, such a revision will require long, careful and arduous preparation, and its practical application to the indexing of legal periodicals will require a great deal more time than under the present comparatively simple system. No experienced legal reference librarian, however, would have any doubt as to its added value.

A step in such a program was made when the 1942 Conference of the A. A. L. L., on the recommendation of the then Chairman of the committee

on the Index to Legal Periodicals, the late F. O. Poole, authorized the employment of an assistant to Miss Wharton, the Executive Editor, for the purpose of revising a few specified unwieldy headings. This work, performed under Miss Wharton's direction and with the advice of Professor John M. Maguire and Director of Libraries Arthur C. Pulling of the Harvard Law School, has proved of immense service, but it is only a beginning. Since the diminished net income of the Index will not permit the employment of a similar assistant regularly, some other effective means must be found to do the work.

Though voluntary committee work to do a comprehensive and thorough job of this sort is often of doubtful utility, because the task is long and arduous and the result lacking in uniformity, nevertheless it is entirely possible for a committee to study this as a whole. In many committees it is satisfactory for the members to have a widespread geographical distribution. But the committee members to do this job should be near enough so that they could hold frequent discussions on the headings. One geographical area could draw up the preliminary plans. They could then pass them on to another geographical group, to go over the material and make additions and suggestions. This need not take a long period of time.

The geographical groups could be large enough so that each member would be responsible for certain specified class headings. These group committees would work, at least at first, on only the subject headings and general plans. The actual indexing would come later. A year should produce an excellent

subject heading list in this manner.

When the group committees met they could iron out the difficulties of conflicting entries, "see" and "see also" references, etc. If a deadline were to be set for each geographical group's work, it would progress at a good pace. This would be important in order to set a rhythm. The findings of one group should be sent to the next group, even though not entirely complete. Questions should be included for which a solution might be found by the next group, and so on until the headings were well organized.

Once a year a central committee should then pass on all that had been done and plan the work of the following year. In this way practically every law librarian in the country could and should have an active part without undue pressure on anyone. It could be the job of the Executive Editor to keep the work moving and the members interested. It is the sort of committee work for which we need a great variety of opinions.

At the same time, with group committees working on the delineation of subject headings, the objection of lack of uniformity would be met. And this would be particularly true if these preliminary committees limited their activities to the subject headings list. After this was in good shape, the actual indexing could proceed.

It is suggested that as far as possible such committees utilize existing means. By this I mean, available divisions in print of large subjects into subdivisions (as in textbooks, digests, etc.) and the advisory assistance of experts in the respective fields of law. At my own library, experimental indexing of the nearly nine pages of entries in the 1940-

43 cumulation, under *Conflict of Laws*, has been undertaken, using as a basis for subdividing, the chapter headings of the American Law Institute's Restatements of the Law. Though probably some modification and condensation of these twelve headings might be necessary in practice, they are quite workable, and we think that because the A. L. I. Restatements are used so much in teaching, law students and, later, practitioners will be so accustomed to these divisions that using them in the Index would be almost instinctive for them. An additional increment in the Restatement approach is that each of them is extensively indexed, with references to the appropriate headings, which in turn of course would help the indexer in actual practice.

While the eighteen main chapter headings in the A. L. I. Restatement of Contracts are perhaps too detailed and complicated to be practical, they form a logical breakdown which could readily be condensed into ten or twelve divisions. Some of the Restatements, on the other hand, are quite unsuitable for Index purposes, but it is submitted that enough of them could be used, materially to reduce the labors of the suggested committees.

Several professors at Columbia have agreed to give advice in their specialties if called upon, including Professor Walter Gellhorn, who teaches Administrative Law, and the assistance of these and professors from others schools could be utilized to great advantage.

Preliminary drafts could be submitted to Professor Maguire and Miss Wharton for their seasoned verdict as to practicality—some beautifully logical classifications simply will not work

in practice—and the final result set up as the standard list for future and past as well. Of course no list of subject headings is static, and a standing committee of perpetual revision, to work with the actual indexers, probably would be necessary.

In practice, the application of such a subject heading list as that proposed would be expensive in both labor and printing costs; naturally it takes more of an indexer's time to place H. W. Holt's article in *39 Michigan Law Review* 689-718, entitled "Any More Light on Haddock v. Haddock? The Problem of Domicil in Divorce," under *Conflict of Laws*, 2: *Domicil*, or 5: *Status*, than merely to alphabet it by first significant word of title under the general headings of *Conflict of Laws*. It is submitted, however, that the resulting benefit of such a system would convince users that the Index was worth the necessary added cost.

Up to this time I have discussed subject headings, probably the most important of the "mechanical" factors in the making of the Index. Others will suggest themselves to users. Along with this should be included for consideration other ideas which have been presented by various law librarians. These involve for the most part the question of "content," referred to above as the second of the important factors of revision of the Index to be considered.

Probably the gravest "content" defect is the paucity of the subject entries for important articles which cover several topics. It is rare that even the most important leading article in a legal periodical is given more than two or three subject entries, in addition to a

place in the table of cases if that is appropriate. On the other hand, it must be recognized that many long articles or notes (as Louis Loss and Raymond Vernon's "When-Issued Securities Trading in Law and Practice," *54 Yale Law Journal* 741-98) are, in effect, small textbooks, often on important but seldom-treated topics, and really should be fully indexed as such.

I recognize of course, that to put this recommendation into effect would require a correspondingly increased labor and printing cost. It is simplified somewhat for the indexer by the frequency with which leading articles are divided by their authors into sections or chapters, by subject headings within the articles themselves.

The above recommendation for multiplying entries is simple, effective, and expensive, as is universally recognized. I have another, however, which may strike you as revolutionary, as applied to legal periodical indexes: This is, substantially, to "Shepardize" important cases and statutes as they appear in material indexed. Let me explain.

One of the most important and useful features of the Index is the table of cases which has appeared since 1917. Cases forming the sole or major topic of treatment in "decision" or "case" notes or in leading articles, are listed in the table of cases. This is done even when the name of the case does not appear in the title of the article, as "Out Haddock v. Haddock," by Edward S. Corwin, in *93 University of Pennsylvania Law Review* 341-56, which is appropriately listed in the table of cases under *Williams v. North Carolina*, with which it is mainly concerned. But this brings up what to me is a serious

failure—namely, to list the article also under *Haddock v. Haddock*, even though that case is forty years old.

The present policy is to list cases only when they are "current," which may be taken to mean not more than five years old. But frequently, important cases are the subjects of leading articles at a later date, when they are even more significant than when first decided. These later articles are not listed in the table of cases. Thus, *Helvering v. Hallock*, a landmark tax case, decided in 1940, was the subject of a long article, "The Hallock Problem: A Case Study in Administration," by Louis Eisenstein, in 58 *Harvard Law Review* 1141-81, October, 1945. It does not appear in the table of cases, nor do three later cases discussed at length therein. This seems a serious omission, as a detailed treatment of an important case, written in the light of later developments, by a leading practitioner or professor, would seem to be more in line with reality than the contemporary treatment, often by a second-year law student. I recommend that there be no statute of limitations on a table of cases inclusion when the later discussion makes a real contribution.

I would go further: When a leading article, in its "lining up" of cases to demonstrate its thesis, devotes as much as two pages of text to any one case, then that case should be carefully considered for inclusion in the table of cases. This would require considerable editorial discrimination so as not to overload the Index with case citations of no real significance, but could be made a very useful feature.

The *Columbia Law Review*, among others, has long indexed statutes and

administrative orders and regulations forming the subject matter of leading articles or notes, alphabetically by jurisdiction, under the general heading of *Statutes*. They are listed much as in the index volume to the Lawyers Co-Operative Publishing Company's Digest of United States Supreme Court Reports. I believe the *Index to Legal Periodicals* should do likewise, within rather generous limits. Examples in recent issues of law reviews are the *Fair Labor Standards Act*, sec. 16b; the *Bankruptcy Act*, sec. 60A; *Executive Order 9001*; *War Powers Act*, title II; *Contract Settlement Act of 1944*, sec. 17; *Sherman Act*, sec. 2; and numerous others, many of which do not appear in the title of the article of which they are a part.

Citations of statutes by popular name, as *Fair Labor Standards Act*, *G. I. Bill of Rights*, etc., should appear in the body of the Index.

These are my principal recommendations. There are others: It has been suggested, for instance, that there be an entry under the name of any person about whom a biographical note is written. Granted that these are listed under the heading *Biography*. But if the user, as is too often the case, does not discover that heading for himself, he may come to the conclusion that there are no biographies of Holmes or Cardozo. This becomes increasingly confusing when articles by a person are discovered through the author index. The author index could be expanded to include data about as well as by persons. Or such listings could be "see" references within the Index proper. A third choice would be to have a thumb-index marking either within or without the index

proper, for *Biography*. This has worked very well for *Book Reviews*.

A recent suggestion by an experienced law librarian is that the list of subject headings used be published in the front of each volume. This librarian reported that in searching for articles on *Local Government* she checked about forty-two different headings but was not even then sure that she had checked all possibilities.

The indexing of legal material in non-legal periodicals was not carried on through the war, but it would seem worth while to consider an appendix listing a selection of legal articles, particularly on subjects which do not occur frequently in legal reviews. One of the best of the recent articles on *Labor Laws*, for example, appeared in the *American Economic Review*, and our professor of *Labor Law* was most pleased to have it called to his attention.

This is a comprehensive and expensive program, which can not be achieved by our present staff and printing appropriation, but even that is not all that is needed.

The revision of the Index should be made retroactive, employing the same subject headings and added features as in the projected current Index. This would require virtual re-indexing of everything that has gone before, and would have to be financed by a substantial grant. The volumes up to the first three-year cumulation, particularly, are in real need of republication. These volumes are out of print, and are pretty shabby in most libraries. Several volumes are so tender that the pages crumble on touch. A mimeographed or photo-offset edition of the volumes since 1930 might be done as a temporary

measure. After that we could then work backward in point of time, gradually completing temporary volumes. When all the volumes were carefully indexed, we should have little trouble in obtaining financial aid in putting them into a lifetime edition, with all the fixing of pocket parts and advance sheets.

When the work is under way, so that we can provide a progress report, a careful prospectus of the entire project should be drawn up. This should consist of carefully estimated financial needs, together with samples of the improved headings and what we aim to do on a long term basis. Once such a presentation is ready we can approach foundations, associations and individuals with such a forward-looking, definite and practical plan to help users of legal periodicals, that we can feel free to ask their financial aid.

The financial report should be in considerable detail, based on similar work done on other indexes. It should include subscription prices for a lifetime edition when that is ready, cost of all supplies necessary, the secretarial help, traveling expenses, etc.

The committees and the officers of the Association would have to decide at what time it was necessary to ask for financial assistance. It might even be wise to have the financing done through the efforts of an organization of the type that puts on financial drives for colleges, hospitals, etc. We are proposing a long term service and will only command respect by having a thorough respect, ourselves, for what we are doing.

The job ahead is a big one, calling for imagination and determination, but

if we attack it unit by unit, rather than feeling that it all must be done at once, it does not loom up in such vast proportions. It is to be hoped that the law librarians will give willingly of their services, that this Index may emerge in the not too distant future as an improved practical working tool for ourselves and the users of our libraries.

MR. MORSE: Are there any ideas from the floor about this? I wish somebody would talk in regard to this so we will have some reaction.

MR. VINCENT FIORDALISI (Supreme Court of the United States Library): I would like to suggest that there might be some way of getting, in advance, the primary topics that are going to be discussed in the law review articles, which are in preparation, so there might be some listing of them. Then when the current Index comes out, it is really current with the law reviews themselves.

What I am trying to get at is: if it were possible in some way to obtain from the various law reviews information of the topics to be discussed then these could be incorporated, possibly not in the text of the Index, but, perhaps, under a general listing of future topics. When the person doing research work checks this list, he can tell that in addition to the articles indexed, there might be these other articles that he could look at.

MR. MORSE: Do you think that would cause embarrassment? Sometimes this listing might precede the law review by quite some time.

MR. FIORDALISI: While I was at Columbia, there were occasions where an attorney heard of an article, went to the law review people, and examined the manuscript that was being prepared.

This saved a lot of time and trouble.

MR. MORSE: As I understand it, the legal periodicals do exchange their contents pages in advance of publication. Some of the law reviews do that quite extensively, but they don't get to our indexer until the published number is available. Don't they do that?

MR. FIORDALISI: I don't think so. Possibly Mr. Price can help us out on that.

PRESIDENT PRICE: I don't know, but it would have to be considerably more than a contents page to enable the indexer to do an indexing job. She would not be able to index without the article, or note, or decision, or whatever it was that was going to be in the periodical.

MR. FIORDALISI: Well, it wouldn't be necessary to index it. I am speaking of the possibility of just the listing of these articles.

PRESIDENT PRICE: Oh, I see.

MR. FIORDALISI: I mean, when they are working on a law review article, and they know that somebody else in the field is working on the same thing, the law review sometimes drops that subject, because it is going to be discussed in another one at the same time, and they will let their student work on something else. This is particularly true with student notes.

PRESIDENT PRICE: Well, frankly, that is a point of view that I have never heard raised before, and I hadn't thought about it.

On the face of it, it presents a lot of difficulties, the principal one of which is that, in my opinion, it would be almost impossible to get the cooperation of the various legal periodicals. There are somewhat over 300 of them that

are indexed, and I rather seriously doubt that they would come through with that information without more correspondence than we would be able to carry on. I think your idea is an excellent idea, but I just wonder whether we could work it out.

MR. STANLEY WEST (Columbia University Law Library): I am inclined to think that if it got started, and if just a few of the law reviews would send the leading articles, and some of the cases, in to our Indexer that, in time, that would force the other law reviews to do it. I think it would be a valuable thing.

For instance, suppose there were some place in the *Index to Legal Periodicals*, where people could look, and find at Harvard, or Cornell, or Columbia, or Michigan, that such and such issues were to carry this article, the other law schools would want to be included. The listing wouldn't ever be a hundred per cent, but it wouldn't have to be to be valuable. In fact the fewer you carried the more noticed the ones in there would be. It would be a form of advertising and I think the law reviews would want to be in on it.

PRESIDENT PRICE: Well, that is something, certainly to be considered.

Mr. Coffey, do you have any suggestions on that, as to the feasibility or value of that proposal?

MR. HOBART COFFEY (University of Michigan Law Library): I think it could be extremely useful if the law reviews would cooperate, but I am morally certain they would not. They have a hard enough time to get their periodicals in shape to publish—they are always late—their contributors disappoint them—and most of them don't know

what they are going to publish next month. I think you would find it difficult to secure their cooperation.

MISS MABEL RAY (Missouri Supreme Court Library, Jefferson City, Missouri): Mr. Price, isn't it true that sometimes articles are written for, but not published by, the law reviews; because of their being not altogether satisfactory, or because they have more than they need, or something like that?

PRESIDENT PRICE: Yes, that is true.

MR. STANLEY WEST: It is true, but don't most of the commercial periodicals say in their current issue that in the next issue you will find articles on certain subjects?

PRESIDENT PRICE: Well, a good many of them do.

MR. WEST: It wouldn't be very serious if an article did not appear, yet this listing would give people an idea of what might be coming out.

PRESIDENT PRICE: The thing that bothers me is the thing that bothers Mr. Coffey and that is, the question of cooperation. I think there is no doubt of the usefulness of the idea. Of course, we could find out by trying. I don't believe in condemning a thing to death without a trial.

MR. MORSE: Speaking about the Index, how many have been unable to purchase the earlier volumes? That is the problem here, as to where to begin if we do try to improve the Index. Should we begin with the next cumulation, for 1946-49, or should we go back to Volume I and try to have a complete compilation?

Some have volunteered the information, I believe, that in their libraries they don't have a complete Index from the beginning. Have any librarians

found it impossible to purchase the earlier volumes, and have they had a need for those?

MISS HELEN NEWMAN (Supreme Court of the United States Library, Washington, D. C.): I understand two numbers of the cumulations are out of print. Perhaps someone has later figures from Wilson & Company, but I know when I was still an officer of the Association, two of those numbers were cut of print.

MR. MORSE: Those are the bound numbers?

MISS NEWMAN: No; I mean the annual cumulations between Volumes I and XVIII. Volume XIV and I think Volume XVIII are out. It is impossible to buy a complete set of I to XVIII<sup>1</sup>.

MR. WILLIAM S. JOHNSTON: Could I ask a question?

Is there any particular demand for these back numbers? Is there any point in having a reprint?

MISS NEWMAN: Well, I couldn't answer that, but I do know that in the Supreme Court Library we have used those early ones particularly for the period of the last war, 1917 and 1918.

PRESIDENT PRICE: Mr. Johnston, one of the chief sources of income from the *Index to Legal Periodicals* is the sale of back numbers. People like Fred Dennis, for example, finally convince a law library of the value of the legal periodicals, and they get certain sets. Then they need the *Index to Legal Periodicals* to go with them, so that accounts for a rather substantial proportion of our sales.

MR. MORSE: I would like to say we recently took an inventory of our stock of the *Law Library Journal*, and if any of the librarians do lack some of those issues, we would like to hear about it. Most of the issues are still available, and they could be put to great use if you will place your order for them with Mrs. Helmle at Association headquarters.

Now, about the topics that Margaret has mentioned here, could we have some discussion, some reactions of the librarians here about their use of the Index? She speaks about the fields of Administrative Law, Labor Law, and some of the other current fields. Are there any other fields where our Index proves to be inadequate?

May we have some discussion from the floor? What we are trying to do is to get ideas we can put into any improvements that we undertake in this Index. We would like to have some suggestions as to what experience you are having in the use of this Index, because we want to make it as useful as we possibly can.

MR. WILLIAM R. ROALFE (Duke University Law Library, Durham, N. C.): I think that question probably can be answered in general terms. It seems to me desirable to break down into subheadings any current topic that has been expanded unduly. I haven't had the experience Miss Hall has; that is, the day to day experience, but I think we have all had the experience that she details out of her much greater use of the Index. You are so exasperated sometimes looking through page after page you give up and use some other approach, although you feel some legal periodical material would be high-

<sup>1</sup> The Wilson Company advises us that in addition to Volumes 14 and 18 the following annual cumulations are now also out of print: Volumes 4 to 8, inclusive, and Volume 15.—Editor's note.

ly useful.

MR. MORSE: Is there any further discussion on any of her suggestions?

MISS JEAN ASHMAN (Indiana University Law Library, Bloomington, Indiana): I would like to make a recommendation as to references to cases commented on within the leading articles, whether or not the cases are current.

I think perhaps her suggestion of the two page limit is a little strict. Sometimes you find two or three paragraphs referring to an interesting line of cases which it is difficult to locate, either in the periodical index, or through other sources, and it seems to me that would be a very useful source of information.

MR. MORSE: Now, is there any more discussion? Are there any suggestions which are not brought out in this fine article? Any experiences that any of you have had on which we have not talked?

MISS NEWMAN: Mr. Chairman, I may not have heard the entire article, but I do want to ask whether or not this plan for committees to work on the Index included just the reconsideration of the subject headings, or whether these committees were supposed to do the actual indexing?

PRESIDENT PRICE: The committees were designed, according to Miss Hall's paper, exclusively to draw up the subheading list, after which they would be criticized by Miss Wharton and Professor Maguire as to whether or not they were practical. Then after they had been decided upon, the indexing would take place by our regular indexers.

MISS NEWMAN: That was the answer I wanted.

PRESIDENT PRICE: I think I can speak for Miss Hall in saying that she would be afraid that the other procedure would result in a pretty uneven job of indexing.

MISS NEWMAN: Well, that was the point I wanted to make.

I remember Mr. Gilson Glasier, who was editor many years ago, telling me that the cooperative plan of indexing was not satisfactory. I believe Mr. Poole also felt that to be the case, and I know Mr. Poole was very much gratified when, at last, the indexing was taken over at Harvard. But I think the plan to have the subheadings gone over by committees is excellent.

PRESIDENT PRICE: I had a bright idea a couple of years ago to help Miss Wharton work on this subheading list by having Columbia agree to index half of the periodicals and somebody else index the other half while she was working on it; but I was a minority in thinking the idea had any merit so it died a-borning. I still think it is a good idea, but I got nowhere.

MR. MORSE: Well, Mr. President, what positive action do we need at this point in order to put some of these excellent ideas into operation?

PRESIDENT PRICE: I would like to hear from the Chairman of the Committee on the Index to Legal Periodicals about that. This paper suggests a lot of things, all of which Miss Hall realizes cost money.

MR. MORSE: Mr. President, would it be wise at this point to hear the committee report, then we can consider all these things at once?

I think the next speaker is our next President, Mr. Laurie Riggs, who is the Chairman of the Committee on the

Index to Legal Periodicals. We will hear from him now, please.

MR. LAURIE RIGGS: Mr. President, as you know, I have been Chairman in name only. Mr. Price has done the work, and I will expect him to explain this whole thing. I know very little about it, to tell you the truth, but I have drawn up a form of report which I will submit. I have a few ideas I want to express—not on the subject of Miss Hall's paper, because I don't know a thing about that, except to say, I think, in the opinion of the practicing lawyer, the Index is not as full as it ought to be.

Let me go ahead with the formal report and then I will get on to the other matters.

[Mr. Riggs thereupon read the report of the Committee on Index to Legal Periodicals.]

#### REPORT OF THE COMMITTEE ON INDEX TO LEGAL PERIODICALS

The Committee on the Index to Legal Periodicals reports that the Index is in a fairly healthy condition.

The report of H. W. Wilson Company shows that the number of subscribers in April 1945 was 587, and in April 1946, 622.

The subscription income is up about \$300.00, and the bound and single volumes income is up about \$500.00 over last year.

The volume of business has increased. The printing cost is running about 11% higher. Other expenses, only slightly higher. The statement of Wilson Company shows that the estimated income for the year is \$4,200.00.

I had thought that the income had been constantly dwindling, but from the

figures submitted to me by Wilson Company for the past six years, this is not true. For instance, for the period from July 1941 to July 1943, receipts were \$28,546.00; disbursements, \$19,915.00; net profits, \$8,831.00. For the period, July 1944 to July 1946, receipts \$31,970.00; disbursements \$20,674.00; net profits \$11,296.00.

I had raised with Wilson Company the question of increasing the subscription rate at this time. This matter came up for discussion in 1944. A clause in the contract between the American Association of Law Libraries and the Wilson Company provides for the sending out of questionnaires to subscribers every three years. Such action was not taken in 1944 because of the war.

It would seem that the questionnaires should be sent to subscribers, and a revision of rates put into effect as soon as the periodicals which were suspended resume publication, so that they may be included in the questionnaires.

Respectfully submitted,  
LAURIE H. RIGGS, *Chairman*  
THOMAS S. DABAGH  
CLARA KILBOURN  
OLIVE C. LATHROP  
JOHN MAGUIRE  
HELEN NEWMAN  
ARTHUR C. PULLING  
JESSIE I. WHARTON  
GERTRUDE WOODARD

MR. LAURIE RIGGS: That is my formal report. I will ask the other members of the committee to sign this, if they think well of it.

First, let me say I have been the minority of the committee in that my view has been that we should increase our subscription prices, because all costs have gone up and it seems to me to be

a simple business proposition to increase our subscription rates. We have to pay the increased costs of publication, and we should be reimbursed by our subscribers.

MR. WILLIAM JOHNSTON: How much? Ten or fifteen per cent?

MR. LAURIE RIGGS: Well, I don't know. I did make recommendations, but they were so flatly voted down, that I haven't had the courage to mention them or even think of them.

But, my suggestion is this: I think that the matter of running this Index is a business proposition which is beyond the capacity of this Association, because we have no organization set up to run it. We have a changing organization from year to year, and this is a matter that requires a good deal of thought, and experience which we don't have and can't have as long as our officers are changed from year to year.

My idea has been that we should put this out to a publishing company, on a royalty basis, and they should get the subscriptions, and do all the work, and pay us a royalty on every subscription they sold, which would assure us an income. I can't say exactly what the basis should be, but it seems to me that we ought to put it out on some such basis.

I think also, that this proposition has not been supported as it should be, in the way of selling it to the people who actually need it. It seems to me that every law library needs the *Index to Legal Periodicals*, and it also seems to me many of the big law firms would need it.

Reading the decisions of the courts shows that the lawyers and courts are depending more and more on the legal

periodicals. I know it is true of our courts in Maryland, and I think if somebody in the game of selling law books had this Index to sell, on a basis that they could make something out of it themselves, they would be able to sell it not only to six hundred and some people, but I would say to six thousand people, if not more. In that way it would increase our profits very much and our income, as well as making a profit for somebody else.

That is a matter that I have had in mind. It seems to be a little bit exploded by what has been actually done by Wilson, but still I think it would be a grand thing to do.

Now, there is one other word I would like to say while on my feet, about the coming contract with Wilson. It has to be dealt with this year by the Executive Committee, and here are some of my thoughts about it.

I think Wilson has done an excellent job. There was, at one time, a great deal of criticism, but when we had to renew the contract two years ago we found, on going to other printers, that we could not get anybody to take it up on nearly as advantageous a basis as Wilson does it. I think he has been conscientious and he has tried to and has done a good job, and he has been fair to the Association.

The only criticism I have is that I think his commissions are a little high. Mr. Price can tell more about that than I can, and I will ask him to go into it if he will when I finish here; but I believe, when we have to renew this contract, that we cannot get anybody to take it on a basis as advantageous to the Association as Wilson will do it, and has already done it. He has shown each

year that he makes a fair profit for us, something like an average of \$4,000.00 a year, which is not to be sneezed at.

The other thought I have is that if the improvements that have been suggested by Miss Hall could be made, and tested sufficiently by somebody who had the capacity to do so, that the Index would be put not only in every law library, but in every large law office, and it would bring a big revenue to this Association, and one that is sorely needed.

Thank you.

PRESIDENT PRICE: I want to sound a pessimistic note here about that \$4,000.00 annual profit that Mr. Riggs has told you about; it isn't so. That is \$4,000.00 as far as Wilson is concerned, but that doesn't include the cost of indexing, and it also doesn't include the contribution we make to the salary of the Executive Secretary-Treasurer.

The current year's profit, as far as Wilson is concerned, is \$4,100.00, but out of that we have to pay Miss Wharton, our Indexer, and the result is that we don't make that much by a long way. We still make a profit, but not enough.

MR. LAURIE RIGGS: Well, Mr. Price, that would bring our profit down to between one and two thousand dollars.

PRESIDENT PRICE: This year Wilson turned over to us \$4,100.00 net. Out of that we pay \$2,600.00 to Miss Wharton, the Indexer. That is \$1,500.00 profit which the Index makes rather than \$4,000.00, which is quite a bit of difference.

Now, as far as Wilson's commissions are concerned, those of you who attended the meeting at Milwaukee in 1942 will remember the committee reports there. One committee was headed

by Forrest Drummond, and the other by Boni Druker. Drummond in particular was pretty wrought up about these commissions of Wilson.

So when I was asked as Chairman of the Index Committee two years ago to negotiate a new contract for the approval of the Executive Committee, I tried various and sundry printers, and I also tried a friend of mine who makes his living as a printer's broker. They all told me that Wilson's fees were exceedingly modest, and I found nobody else willing to take the Index at any price. What Wilson does is charge us 15 per cent of the receipts for old business, and 50 per cent of the receipts for new business net. Get that word, "net." That means that for 15 per cent, Wilson does all the billing, makes all collections, keeps all the mailing lists, and provides envelopes and all wrappers for sending out the Index.

Now, I think there is a possibility, as Mr. Riggs says, that we might save some money on that 15 per cent.

One thing that created quite a furor at the Milwaukee meeting and has caused quite a great deal of comment, too, is that 50 per cent of the net new business that Wilson claims. Two years ago I sent Margaret Hall around to three of the big subscription agencies in New York, to see what they would charge to put on a campaign for us. The best I got was 100 per cent of the gross—not 100 per cent of the net. When I say 100 per cent of the net, I mean if Wilson gets us 500 new subscriptions and 100 of them drop, we pay him 50 per cent of the 400. The best I could get was 100 per cent of the gross, and the average was 125 per cent of the gross, on the theory that once a

subscriber comes in you can lose money on him the first year because he will probably stick. Compared to that, Wilson's 50 per cent of the net comes down to a pretty reasonable proposition and, as a matter of fact, he makes very little money on that.

I wish there had been more discussion of some of these problems that Miss Hall has raised, because they all involve the expenditure of money, and that involves Mr. Riggs' proposition of possibly turning the business over to some other agency in order to make that money; or putting on a personal campaign to get additional subscribers.

I may state that I had a letter from Dorothea Blender not long ago in which she thought the Commerce Clearing House would not be interested at all, and that the opinion of that organization was that we over-estimated the income possibilities of the *Index to Legal Periodicals*.

I do say that we have a good business manager in the Wilson Company, and that any change we made should be made only after a good deal of investigation to see that we are really doing a good thing for ourselves, rather than the reverse. It is the single source of net income that we have at the present time, and I think we should guard it carefully.

That doesn't mean that I am not in favor of trying other sources or other publishers. As far as that is concerned, Wilson is perfectly willing to continue printing as he does now, though at a somewhat higher rate, and let us take over the business management. He doesn't care, it is "small potatoes" for him. He is perfectly willing to let us take over the sale, billing of subscrip-

tions, and all the rest of it. So we have a number of possibilities.

But whatever is done most emphatically I think we should not kill the goose that lays the golden egg, even though it is a small egg. I think that we should be careful about it and give it considerable study with advice from disinterested people—say the West people and Co-Ops, and Commerce Clearing House. Our business doesn't mean enough to them that they would give us advice tainted by self-interest. I am sure they would tell us exactly what they thought about it.

One thing that bothers me about turning too much over to the publishers is the fear we will end up like the lady who took the ride on the tiger. There is no copyright on the idea of an index to legal periodicals. We own a valuable property which I would hate to see taken away from us. I am afraid if we get our feet too wide apart, that is the way it is going to end.

I would like to hear some comment on that. Mr. Sidney Hill, what do you think?

MR. SIDNEY HILL (Association of the Bar of the City of New York): First, I would like to ask a couple of questions along the pessimistic line.

H. W. Wilson Company is a one-man organization, isn't it? If Mr. Wilson should lose his personal interest, where would we be with the H. W. Wilson Company? I think we should keep that in mind.

PRESIDENT PRICE: We have a contract at present, of course.

MR. HILL: Yes; but I mean have we given any thought to how we might stand in the future with the Index should anything happen to Mr. Wilson,

himself?

The other question is: I was wondering whether the Chairman in mentioning the handsome figure of 6,000 subscriptions had obtained any estimate from West, or Lawyers' Co-Op, or any of the other publishers as to what they think we should be selling in the way of subscriptions, based upon their experience in publishing indexes and digests, and so forth? That might not be information that you would like to make public, but I think we should gather that information if we possibly can before making any move.

PRESIDENT PRICE: I attempted to get some of that information two years ago, but we were in the middle of a war, and West, for example, said they might be interested after the war, but they couldn't at that time. Otherwise, have you done anything, Mr. Riggs?

MR. LAURIE RIGGS: I wrote to Mr. Brandt about it, and he said they would not be interested now. He is here.

MR. H. W. BRANDT (West Publishing Company, St. Paul): We are coming out of a war period, and there are a good many headaches which will probably clear up. We are, of course, always ready to cooperate in any way we can with your Association. I mean that literally, but during the present year, this being the first year after the war, we probably couldn't see our way clear to get materials. That will clear up before a long period of time.

MR. LAURIE RIGGS: The other man that I mentioned is Fred Dennis. He is interested in it.

MR. HILL: One other question I would like to ask is whether or not the committee has made any serious study of the business management of the In-

dex? Would it be possible to have this handled by the Association or a committee of the Association rather than by Wilson, and permit Wilson just to do the publishing?

MR. LAURIE RIGGS: My own opinion is, as I expressed it, I don't think the Association is fixed to handle anything like that. These business transactions would take a good deal of a man's time, and I don't think we have the organization for that.

MR. HILL: That may be or may not be. I was wondering whether any study had been made of it.

I do know we have been fortunate up to the present time that Wilson & Company has been handling the Index despite all of the complaints and all the criticism. I have been pretty close to it through Mr. Poole and Mr. Price, and I think we should be very, very cautious before we make any move, because we have been fortunate even in the price we have had to pay up to date, and even in the profit we have made considering we have only some 600 subscriptions.

PRESIDENT PRICE: I had a talk last February with one of our friends, Fred Dennis, from Buffalo. Fred related he had sold a bill of goods to a library which had never stocked legal periodicals, and he had attempted to sell them the *Index to Legal Periodicals* at the same time, because they were clients of his and on a friendly basis. He was unable to do so because the Wilson Company refused to entertain such a proposal as subscribing through an agent. They wanted to work this service basis of theirs, and Fred had something to say at the time and he probably has now.

Will you give us any opinions you may have about the sale of the Index?

MR. FRED DENNIS: Mr. Price, I wasn't here when the discussion took place, and I couldn't quite hear everything Mr. Hill said, but I would be very happy to take over the *Index to Legal Periodicals*. I believe the subscription list could be increased substantially provided someone took an interest. I think a small company like ours could do a job, and I think the best way to do it would be to have a committee appointed, and let the committee go into the details with power to award the contract to anyone who is able to make some money for the Association.

PRESIDENT PRICE: Are there any comments from anybody else?

MISS NEWMAN: Mr. Riggs spoke of raising the subscription rate. I would like to suggest instead of doing that, that at this time the Wilson Company make a recheck of libraries as to the amount they should pay under our present service basis. That was done recently in our library. Mrs. Brusie the excellent business manager of Wilson wrote me a very diplomatic letter in which she said she was sure the Supreme Court Library should be paying more, and in checking we found we should be paying fifty-five dollars more. If that was true in our library, it is probably true in others.

PRESIDENT PRICE: I have no doubt that will be done. We were going to do that. That was in the contract two years ago, and you know what two years ago was. The Wilson Company put up the proposal to us that it was a bad time, and we took a vote of the Committee on the Index to Legal Periodicals. We decided that since a good many li-

braries were having a hard time getting along and many of them dropping subscriptions temporarily, we would not ask Wilson to check at that time.

I think now that we are coming back to normal again, your suggestion not only has merit, but it is imperative that it be done. I have no doubt that a substantial increase will result; but nothing sensational, not as much as we need.

MR. HILL: Mr. President, I think there should be two committees; one upon indexing, and one upon the business management of the Index, rather than a single committee.

PRESIDENT PRICE: I hadn't heard that proposal before. Does anybody want to talk about that? It seems to have some merit.

MR. LAURIE RIGGS: I wish you would explain that a little more fully. I am interested in it.

MR. HILL: It is my idea—as Miss Newman says—that many libraries are not paying as high a price to the Index as they should; and I think there is some revenue, not a considerable amount, but some revenue to be obtained in rechecking.

Now, the Wilson Company are not promoters; in other words, the committee on business management of the Index should be a committee on promotion. Wilson does send out some circulars, but that is about the limit of their promotion and sales. I don't think there is any law firm or law publisher but will say you must do some promotional work if you wish to increase your sales.

PRESIDENT PRICE: Wilson Company did quite a bit during the last year; the increase was considerable.

MR. HILL: Then it is the first time

in a good many years, I believe, Mr. Price.

PRESIDENT PRICE: No, they do it about every other year.

MR. RIGGS: May I ask Mr. Hill a question? You have had a good deal of experience with the Index. What do you think of the idea of letting it out to a publishing company on a royalty basis? We could protect ourselves by copyrighting it in our own name.

MR. HILL: As far as the copyright is concerned, I don't think it would be much protection. It is pretty hard to copyright an index anyway; you would have great difficulty in protecting it.

I think that the matter will take a great deal of study and investigation, and as I pointed out and as Mr. Price said, I think we should be very cautious, no matter what we do, not to jeopardize it. We must remember that our good friends the publishers are in business for a profit, and the heads of their firms are going to look at the profit and loss side of whatever they are doing. The Index isn't business that means a great volume of business, and today anyone who is in business is looking for volume with the exception of perhaps a few small houses who hope some day to reach a volume business. Therefore, I think we should make a careful study, in cooperation with the publishers who, I am sure, are willing to give us the very best advice. Even after we do have some proposition perhaps from one or two other publishers, I think we can call upon some of the others to help analyze whatever is presented to us for the good of the Association.

MR. RIGGS: You don't look upon the publishers as benefactors?

MR. HILL: I don't look for anybody as a benefactor except for the advertising and goodwill that may bring future business.

PRESIDENT PRICE: The other day I talked to Mrs. Brusie, business manager for Wilson, and I said, "What do you think of the feasibility of increasing the subscription rate for legal periodicals?" And she said, "We have reduced ours 10 per cent, because business is so good."

Wilson is a very canny Scotchman; he can make a penny go farther than any other six men I know. Nevertheless, he is an advocate of low prices, because he thinks they produce more business and more profit than high prices. I think that is something that we can consider, because Wilson is the only man in the history of the United States who has been able to make a variety of periodical indexes pay without a subsidy.

MR. HILL: I think that is a specialized business, Mr. Price.

PRESIDENT PRICE: Most people don't want to bother with it.

MR. HILL: That is the reason Wilson has made a success of it, and I think it is such a specialized business that many other publishers find it difficult to compete.

MR. MORSE: I wonder if a special committee could be appointed to explore all these problems, and work on this question of promotion and building up the business end of the Index, and report to the Executive Committee.

PRESIDENT PRICE: At the next meeting?

MR. MORSE: At the next Executive Committee meeting; in other words, have some valuable work completed,

which could help them at the time they are considering renewing the contract, and be able to make some recommendations.

PRESIDENT PRICE: I think Mr. Riggs could do that on his own motion without any further authorization; don't you?

MR. RIGGS: It would be my idea, Mr. President, before any action was taken changing the policy of publishing the Index, to submit it to the Annual Meeting. I think it is that important. While a preliminary report might be submitted to the Executive Committee around the first of the year, I think before any action is taken it ought to be submitted to the Annual Meeting.

PRESIDENT PRICE: I am still of the opinion that whatever committee is to be appointed, Mr. Riggs can take care of it, and provide that it shall report, and we can go ahead. At the next meeting I think as important a thing as a change of our business structure with respect to the Index probably should be brought before the meeting; whether it is necessary or not.

It says in our constitution that in addition to the Executive Committee there shall be such other standing and special committees as the Executive Committee may from time to time create; so in any event, if a different committee is necessary, the Executive Committee, which Mr. Riggs inherits, will take over.

The second publishing activity of the Association is the *Law Library Journal*. I am going to call for the report of Miss Jean Ashman, who is both Editor and Chairman of the Committee on the Law Library Journal to report. Miss Ashman.

## REPORT OF THE LAW LIBRARY JOURNAL COMMITTEE AND EDITORIAL STAFF

The Journal Committee takes satisfaction in reporting that the Journal has continued to appear during 1945-46, which has been for the editor its most difficult year. This is not because of any particular difficulty with the Journal but because of the pressure of other work. As Mrs. Prince said this morning, I never heard of a library which wasn't short-staffed. In fact some persons think that a library which has its work caught up is over-staffed, that there should be an accumulation of work waiting for slack times. We haven't had any slack times for so long we can't remember them. Recently we haven't had any normal times; we go from one rush job to another. This makes it difficult to do justice to the Journal. It accounts largely for the slowness in publication. I must apologize to many of you for slowness in answering letters.

Our contributors have been most generous in submitting and responding to requests for articles. They have all worked under difficulties. The present volume is almost double the size of the preceding one, partly because of including a Proceedings issue, but each number is larger than last year's numbers. The last volume contained 124 pages and this one, 238 pages. The figures show the following sizes and costs of publication including envelopes and mailing charges:

|                |           |          |
|----------------|-----------|----------|
| August, 1945   | 104 pages | \$614.32 |
| November, 1945 | 50 pages  | \$298.02 |
| February, 1946 | 40 pages  | \$309.72 |
| May, 1946      | 44 pages  | —        |

There was an additional charge of \$49.00 for correcting the mailing list which cannot be allocated to any certain number.

The printer's rates were increased by 10 per cent. This seems reasonable by comparison with other schedules.

Mr. Alfred A. Morrison, Law Librarian of the University of Cincinnati, resigned as Advertising Manager and Mr. Arthur W. Fiske, Librarian of the Cleveland Law Library Association, accepted the responsibility for carrying on the work. Both have served without compensation and deserve the deep gratitude of the members.

Miss Helen Newman has consented to serve as editor of the Who's Who in Law Libraries section, and Mr. George A. Johnston is serving as book review editor.

A number of the bibliographies which have appeared in the Journal from time to time should be revised or supplemented. There are some other articles in preparation or under consideration. We should be able to publish more book reviews in normal times. We urge the continued cooperation of all our members in submitting articles and making criticisms and suggestions.

The editor wishes to thank everyone who has assisted her, particularly the members of the committee, authors or compilers of articles and bibliographies and the printer, the William Mitchell Printing Company.

Respectfully submitted,

JEAN ASHMAN,  
*Editor and Chairman*  
THOMAS S. DABAGH  
BERNITA J. DAVIES  
FRANCES FARMER

GEORGE A. JOHNSTON,  
HELEN NEWMAN  
ARIE POLDERVAART

[Applause.]

PRESIDENT PRICE: Thank you very much. Only those who have worked in the Association during the war, know the extreme difficulty under which our Editor has worked and can appreciate the genuine contribution which she has made to its activities. I offer her my congratulations and genuine thanks for the services that she has rendered.

Mr. Frank E. Quinn, who was a Lieutenant in the U. S. Naval Reserve and is now Assistant Director of the Insurance Service of the Veterans Administration in St. Louis, was asked to come here to talk to us about a matter which is of considerable interest to all G. I.'s, the Veterans' Insurance.

I will call on Mr. Quinn now to talk to us.

#### THE NATIONAL SERVICE LIFE INSURANCE PROGRAM

MR. FRANK E. QUINN

*Assistant Director of the Insurance Service Veterans Administration*

Mr. President, Ladies and Gentlemen: I was very happy when your friend and my friend, Helen May, suggested that I come here.

We have a story about the Veterans Administration that we are anxious to get over to influential groups. However, I didn't know I was going to have to compete with a cocktail party so I think I will make my remarks very brief. If there are ex-G. I.'s among you who would like to ask any specific questions,

I will see you afterwards and that won't hold up the drinks too long.

The Veterans Administration, as you probably know, administers all of the benefits under the G. I. Bill of Rights. That includes such things as compensation for service connected disability, grants for educational purposes, loans for financing businesses or purchase of homes. Speaking of that, I never pass up an opportunity to ask people if they know where I can get an apartment in St. Louis. Maybe somebody here can shed a little light on that.

The part of the Veterans Administration that I am primarily concerned with is the National Service Life Insurance program. You all know that the demobilization was very rapid, and possibly because of lack of adequate planning or for some other reason, the service which has been rendered to ex-G. I. policyholders has been very poor. Despite the reasons, the situation developed whereupon a letter that came in was not opened for a period of three weeks. Then maybe another three or four weeks would elapse before anything would be done about it. Then a form letter would go out which wouldn't answer the veteran's question. That has been going on for quite some time.

The solution to it—at least we think it is—is decentralization of the activity. In line with that, there are thirteen Branch Offices being set up throughout the country. One opened in Boston, the second one is now open in St. Louis. There has been an infiltration of young men into the outfit, mostly ex-G. I.'s out of the recent war. All the key positions are held by men who have worked for insurance companies before going into the service.

We still have a long way to go, but here in St. Louis, where we administer insurance for four states, we are getting replies to letters out about three or four days after they are received. I see some of these ex-G. I.'s down here just looking at me and not believing me. The whole decentralization is going to take a period of about six months, so it will be complete by the end of the year. Some Branches will not be opened until November or December, but shortly after that the insurance should be on a service basis whereby we will be able to render a service that will be comparable to that given by commercial insurance companies.

Now, there are just one or two points that I always like to mention. There are some very widely held misconceptions about National Service Life Insurance Company. One is that when it is converted from a term basis—all policies are initially term—that the conversion is made with some commercial insurance company. That is not so. This is government insurance from the start until the finish, up until the time the man dies, and on through the administration of the payments to his beneficiary.

A great number of men have dropped the insurance, as you probably know. The figure was something like 75 per cent at one point. It is now down to about 60 per cent, I understand, according to the latest estimates. The men who dropped that insurance threw away a valuable asset, a valuable part of the G. I. Bill of Rights. I will tell you why that is so. The net cost of the National Service Life Insurance is considerably cheaper than comparable insurance costs in commercial institutions. The rea-

sons are that the government, you people, the taxpayers, pay all the cost of administration of this insurance. The premiums go into a fund which is used only for the payment of claims, payment of loan and surrender values, and payment of dividends. Furthermore for all death claims which resulted from the war, the government—again you people, the taxpayers—reimbursed the insurance fund for the amount of claim.

Expressed slightly differently, the only claims which have been paid to date are those few cases where the individual has died from natural causes or has died since leaving the service; consequently there is a large fund which will some day be distributed as dividends to those who continue their insurance.

Now, you people can do a tremendous amount of good in spreading the word among the ex-G. I.'s, in your organization, inducing them to retain their insurance and to submit their premiums regularly to the address they have whether they get a notice for it or not. Assure them that within a period six to nine months, depending upon what part of the country you happen to be from, their policies will be on a current service basis. They will be receiving notices and receipts in much the same manner as they do from any commercial company.

As law librarians you will be particularly interested in pending legislation which is liberalizing the benefits under National Service Life Insurance. There are certain restrictions in the policies at the present time. These were highly desirable when the insurance was first granted, in order to be certain

that the proceeds would be used properly. For example, there were certain restrictions on beneficiaries and the manner in which policy proceeds would be paid. Now they are being liberalized. At present we don't have any endowment policy, but that is also in the picture. We don't have a disability income feature, but that is also being provided. Legislation effecting these changes has passed the House of Representatives and is now in the joint-committee. We have received any number of inquiries about it at our office.

You may run into some inquiries, and if you folks can get that legislation as it is ultimately passed, and pass the word along to the ex-G. I.'s you associate with, you will be doing a big favor to them and also to the Veterans Administration.

Now, in view of the extreme heat and the pending party I think I shall terminate my remarks at this point. Any of you ex-G. I.'s, particularly Mr. West, I would like to see afterward and give you a little bit of the more detailed information which would be of interest to you.

Mr. West as an old communications officer, probably had to try to unscramble a lot of garbled messages in his day. The situation that we are trying to unscramble in the Veterans Administration right now is just a little bit worse than any of those messages.

So help me, it will be worked out. Meanwhile, if you will ask your friends and acquaintances to continue to remit their premiums, and send them in by check, and hold the cancelled checks as their receipts, they will thank you for it some day.

Thank you very much. [Applause.]

PRESIDENT PRICE: Thank you.

MR. WILLIAM JOHNSTON: Before Mr. Quinn goes, is it proper to ask a question? Why isn't it possible for the government to notify the G. I. to pay his money on premium days? They have his address.

MR. QUINN: Sir, we couldn't do it. About 8 per cent of the G. I.'s do not live where they say they do according to our records, for one thing. When they write in they seldom give us the information required in order to enable us to identify their case.

For example, when we transferred out here, a letter went out to all the men in the four states that we cover, saying that the Branch Office would be located in the Boatmen's Bank Building, a downtown building, and asking them to kindly remit their premiums there. Well, many of our policyholders are young farm boys who have never had any experience, and you should have seen some of the checks that came in. Some were made payable to Mr. Boatmen S. Bank, some payable to Boatmen's Bank Building, drawn in every conceivable way. That, plus the fact that the records were just not being changed promptly because of the tremendous flood of mail, resulted in many misdirected letters.

MR. JOHNSTON: Maybe I misunderstood, but I understand from what you said, the government issued the policies, and the addresses are incomplete and totally inaccurate now. No insurance company in the world would do that. They would insist on my actual address, office and business, and a few other things.

Now, if a man is going to give some phoney address—probably not phoney

but something he thought fitted—why didn't the government find that out and have a complete statement of where that G. I. lives?

MR. QUINN: I will grant you that, but what if he moves and doesn't notify us?

MR. JOHNSTON: Do you believe he does move? Taking these 18 and 20 year old boys off the farm, how far are they going?

MR. QUINN: Well, that notice we sent out when we opened the office here was based on the address the man furnished us at the time he was separated from the service. We sent out about 800,000 of those notices, and got back in excess of 50,000 "unknown at this address."

MR. JOHNSTON: What is the matter with the one he first gave when he was inducted?

MR. QUINN: Well, that may have been four or five years ago, sir, and people have moved.

MR. JOHNSTON: Of course I am not critical in these questions. I worked in the first war, I know just what you are talking about, but we knew the addresses then. I don't know how long that remained, but they were right when we sent them out.

MR. QUINN: Well, I think your point is very well taken and the criticism is justified.

MR. JOHNSTON: Well, I am not criticizing, least of all you, but I am just asking for information.

MR. QUINN: The Veterans Administration had been handling World War One veterans, and their business suddenly expanded by something like 1500 per cent. Suppose your library suddenly expanded by 1500 per cent in

terms of volumes?

PRESIDENT PRICE: Those of us who serve schools where the G. I.'s congregate will certainly appreciate Mr. Quinn's talk, and profit by it, and so will our clients.

We are due out at Mr. Eilers in about fifteen minutes and I hope you will all go out.

The Commerce Clearing House with customary enterprise has the registration list as of noon today for anybody who wants to see it. Here it is.

We will recess until tomorrow morning.

[The meeting recessed at four-twenty o'clock.]

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#### TUESDAY MORNING SESSION—JUNE 25, 1946

The meeting was called to order at ten o'clock by President Price.

PRESIDENT PRICE: Before we start with the program, I want to make one announcement that I should have made yesterday, and that is to read the Report of the Nominating Committee. Today instead of tomorrow I think we will have the election of officers, the results to be announced tomorrow. I want to do that because I find that so many people are intending to leave around twelve or one o'clock tomorrow, that I want to condense the program and try to finish in the morning instead of having an afternoon session.

Therefore, I am going to appoint a Committee of Tellers. Mrs. Helmle has the ballots, and we are going to vote for our officers immediately after the adjournment of the morning session. Then I shall ask the Committee of Tellers to seal the results and give them to me, and we will announce the results tomorrow morning.

I will further ask that the Tellers be close-mouthed about the results so that when they are announced, they will be news.

The Nominating Committee was composed of: Gilson Glaser, Chairman; Lucile Elliott; Helen Hargrave; George Johnston; and Olive Lathrop.

Their nominations are as follows: For President-Elect, Arie Poldervaart of the New Mexico Law Library, Santa Fe, New Mexico; one to be elected.

For Secretary-Treasurer, one to be elected, Mrs. Helen M. S. Helmle, of the Equitable Life Assurance Society of the United States, New York City.

Now for the Executive Committee, several more were nominated than are to be elected. Three are to be elected, and the following were nominated:

Miss Helen Newman of the Library of the Supreme Court the United States; Hobart R. Coffey, Director of the University of Michigan Law Library; Clara Kilbourn, of the University of California Law Library; Helen Ross, Field Building Law Library in Chicago; Miss Elizabeth Forgeus, Yale Law Library; Miss Frances D. Lyon, New York State Law Library, Albany, New York.

Miss Lyon notified us that she would not run and will not serve if elected.

That leaves three to be elected from: Helen Newman, Mr. Coffey, Miss Kilbourn, Miss Helen Ross, and Miss Forgeus.

Now, any member of the Association may nominate anybody for any one of these offices from the floor of the convention, or they may write them in on the ballot.

This Report of the Nominating Committee represents the considered judgment of the committee, but that only, and it is not final.

Any of you people who want to nominate anybody else for any one of these offices has a perfectly legal and moral right to do so.

The name of Laurie Riggs, President-elect, does not appear on this. Under our constitution, the President-elect takes office automatically by the expiration of time, and it is, therefore, not necessary to vote for him.

I am going to appoint a Committee of Tellers to supervise this election and to count the votes, and to deliver to me the result in a sealed envelope; and I will not open it until tomorrow at this meeting.

As Chairman of that Committee I appoint Mr. Michael S. Pucher, of the Supreme Court Library of Utica, New York; Lionel Coen of New York Law Institute; and Mr. Mercer Daniel, of Howard University Law Library in Washington, D. C.

Mrs. Helmle has the ballots, and I will make this announcement again at the close of the meeting, so that you can set yourselves up outside there, get the ballots, and later count them.

We have one part of the program left over from yesterday. It is the Organization and Affiliations of the Ameri-

can Association of Law Libraries. I had originally asked Forrest Drummond of the University of Chicago Law School Library to handle yesterday's program from the G. I. standpoint. He found it necessary to withdraw and he asked Mr. Harry Bitner of Kansas City, formerly law librarian of the University of Kansas City Law School, before entering the armed services, to present an idea which he had developed. I will now call upon Mr. Bitner to do that.

#### THE ORGANIZATION AND AFFILIATIONS OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES

MR. HARRY BITNER

The idea that I have is not an original one; it is not a new one to this Association.

I think you are all familiar with the Roalfe Expansion Plan which was developed here a number of years ago. One of the most important points of that particular program is one that never was completely adopted. I refer to the idea of a permanent Executive Secretary.

In writing to a number of the members I found that they all seem to be in favor of this, but it comes down to a question of finances. I can't see how this organization, if it wants to be an effective organization and really wants to go ahead in the coming years, can perform the duties and responsibilities that it should without having a person who is permanently situated in the headquarters, and directing the activities of this organization.

Now, I know it is a small organiza-

tion, but that is just exactly the point. I think that with a permanent Secretary we can really build this organization up. For instance, yesterday we had this indexing idea. I think if we had a permanent Executive Secretary, one who is in the Chair constantly, matters like that could be taken care of and handled with greater dispatch and continuity.

Perhaps the Executive Secretary might again be the Managing Editor of the *Law Library Journal*. The *Law Library Journal* could be used to promote the activities of the Association and through that to build up membership.

I had an interesting experience as a member of the American Library Association, and it was gratifying to see the interest that they took in the members of the armed service. On their own initiative they saw to it that every member of that organization did not pay dues while serving in the armed services; consequently, we automatically remained a member and received the Bulletin, and were kept informed of everything going on. Special bulletins were sent to anyone in the service. He was constantly being asked what was his idea about postwar programs and related matters.

Well, things like that really make an impression, and the only way they could carry it out was because they had a permanent organization. It seems to me that if we want this organization to go places and achieve the success that it can achieve, that we need that sort of continuity.

Upon this permanent Executive Secretary evolves the actual carrying on of all the business of the Association. It

seems to me that the most important part of the Roalfe Plan was this one thing that wasn't carried out. I think that this should be taken up again and a committee appointed and a report made to see if we can achieve this at this time.

The future is ahead of us and there are many things that the Association wants to do, and can only do by having a permanent Executive Secretary serving as a guiding director and the real force behind the organization.

The big problem is finances. I am not too familiar with the financial structure or the means of income of this organization, but I think there are possibilities that can be developed.

One is membership. I made the suggestion that I think we should have more individual memberships, and only in that way can you have a really good organization, because in that manner I think you will have a greater interest.

Another possibility, should we have an Executive Secretary, is that we might be able to handle the business management of the *Index to Legal Periodicals*, thereby saving that 15 per cent we pay to the H. W. Wilson Company. That is an added source and, of course, there is still the possibility, I understand, of receiving some aid from one of the Foundations.

MR. WILLIAM JOHNSTON: There is your point, brother.

MR. BITNER: But there are all these possibilities to be examined. I still think that one of the most important things that this Association should be planning for is a permanent Executive Secretary to carry on the activities and work of this organization.

I know that a good many of you don't

know how much work that is. Miss Newman is here and I know she can bear me out. Mrs. Helmle at first was inclined to say it wasn't, but I think she lately has come to change her mind since she has been here at this convention. It is a big job and requires a person who can devote his entire time to doing this work. It is an important job and we need a good person and a person whom we can pay adequately.

That is the proposal that I have, and I would like for you to consider it and see if we can't work out a program whereby we can have a permanent Executive Secretary.

MR. RIGGS: A full time job?

MR. BITNER: Yes, a full time job paying an adequate salary to a person who can really carry on the organizational work that needs to be done. We want to go ahead and I think we can. We can only do it by having this one person who devotes his entire time, his full work, to the Association.

PRESIDENT PRICE: Thank you. I ran into Bob Roalfe this morning, and made a statement to him which he vehemently denied but which, in the minds of the older members of the Association, was a valid statement.

I said, "Bob, you have a proprietary interest in this."

Will you please discuss it, Bob?

MR. ROALFE: Mr. President, I vehemently denied that statement this morning, and I have denied it on the floor here before, and I deny it again. When the Expansion Plan was before the Association for discussion—as some of you will remember, it was before us for several years—I pointed out repeatedly that the procedure of that committee had been one of ascertaining

the views of all members so far as feasible.

The plan itself, although it was a proposal of a limited number of persons who composed the committee, did, I think, reflect the prevailing views of the membership at that time. I think it is fair to say Mr. Bitner's proposal in the form in which he states it now was approved by the members in 1934 when the Expansion Plan, as such, was approved.

However, we have to remember that the approval was qualified by the statement that it should be put into effect as and when it was feasible.

Now also, as Mr. Bitner has pointed out, we did proceed to some extent by increasing the compensation of the Executive Secretary-Treasurer, and by expecting more of the Executive Secretary-Treasurer at that time. As we all know, we received substantially more in the way of service, all through those years, when Helen Newman served the Association so effectively, and increased its usefulness in numerous ways.

Now, I suppose Miles wants me to stick my neck out again this morning since he is laying the blame on me for what did or what did not happen. If that is the case, I want to say that I still feel that if we could have one person, at least, in a permanent position acting as Executive Secretary of this Association, we could move forward more effectively.

My view then was—and it is still my view—that we should always expect voluntary help to carry the major burden of an organization of this kind. I mean by that that we should distribute the responsibility; that we should always have voluntary committees and

individual members carry any job that can be carried in that manner, leaving to our officers only that portion of the work that cannot be effectively carried on either by committees or individuals. Obviously, there is always a remainder there which cannot be carried on in that way.

The point was mentioned that the early attempt to do the job of indexing on a voluntary basis was not very satisfactory. Mr. Price said that he had made a proposal that two law school libraries do the indexing for an interval while Miss Wharton worked out a better system of subdivisions to the main headings and so on. I think even he would agree that scheme would probably not work permanently, although it might work temporarily.

Now, to come back to the present again, I do think that Mr. Bitner's proposal has merit, and it does seem to me that we should give it thought. It might be that the Association should, at this time, place the whole matter in the hands of a committee to make a study in terms of the conditions as they exist today.

The one point that remains is the one that he hasn't stressed and that is, the matter of ways and means. Well, when the original plan was before us, I said—and I think a great many of my colleagues disagreed with me—that I was not unusually disturbed that the only difficulty that stood in the way was that of money. It had been my observation that sooner or later if a thing was essential, if the members believed it was important, and if they laid their plans, the money could be found to do what was essential. I still believe that is true.

I think that our opportunities today are far greater than they were in 1934, and that the need for professional staffing of our law libraries, is far more widespread now than it was then. Problems are more acute. My view is, from the limited experience that I have had in the last few months in the law school field, that law school administrators are increasingly aware of the fact that they must find trained persons to carry this load. I don't know whether that is true in the bar and court libraries, but I would think that the same situation will exist there.

Therefore, the future of our group—although it will always be a fairly limited group—is far better today than it has ever been since I have been a member of this Association.

Now, there are various ways in which we can increase our revenue, and it isn't too important, I think, to discuss them here today, but it may be that a committee set up to study the matter could discover how these necessary resources could be secured.

Mr. Bitner has spoken of one possibility, and that is the one of funds from one of our Foundations. Whether or not such funds would be forthcoming for a purpose like this, I don't know, but I want to raise a matter of history again, because I think it is a point we shouldn't forget.

When the original plan was before us and the question of money arose, I pointed out then that one of the Foundations had actually said, in print, that it would entertain a request from the American Association of Law Libraries for financial aid, and notwithstanding that fact, we have stood by and made no such request.

Now, the second point of this history is that when we did get around to making the first request that has ever been placed by this Association with a Foundation it was honored with an affirmative answer. We did receive funds which were devoted to the improvement of the *Law Library Journal*.

I think we are in a very good position today to go to one of the Foundations for assistance; but I can't say whether this would be the particular project that would interest them.

PRESIDENT PRICE: Thank you very much. Is there any further comment? Mr. Poldervaart.

MR. POLDERVAART (New Mexico Law Library): It has been my observation that the type of project which can be done on a voluntary basis is one of a more or less temporary nature which can be done and completed.

It is easy to find a group of willing workers in a voluntary association to carry on a project of that kind; the difficulty arises with a project which is of a continuing nature.

Now, if we analyze the Association projects which we have, the *Law Library Journal*, the *Index to Legal Periodicals*, and the Association Exchange of which I will speak later, we find that all of those are matters which are permanent in nature. The result is that it is difficult to make a permanent success of one of those projects if it is carried on purely through voluntary means.

It would seem that if we can work out a permanent secretariat for this Association that it would go a long way toward providing the necessary continuity. The secretary might call on committees to get us over particular humps

like special membership drives, and things of that kind, where an effort is made and then quit, which is a good voluntary basis; but to carry on these continuing projects we certainly need something of a permanent status.

PRESIDENT PRICE: We don't need the consent of the meeting here to appoint a committee such as Mr. Bitner suggests; but I would like to have a show of hands purely in an advisory capacity of those who think that a committee such as Mr. Bitner proposes ought to be appointed.

It is my opinion that the problem is so complex that we can't decide much of anything here this morning. A committee could probably at least find out enough to give us something to talk about.

Will all those who think that such a committee should be authorized by the Executive Committee of the Association raise their hands?

Contrary, will they raise their hands?

[A majority raised hands in favor of the committee.]

That will be the duty which will devolve upon my successor. I will not attempt to appoint such a committee but Mr. Riggs, I think, has a mandate.

Mr. Roalfe said something about my ill-fated proposal to index legal periodicals cooperatively. I offered to index half of the list at Columbia and have somebody else take the other half. He is quite correct in his assumption that that was a temporary offer. Before, when the last breakdown of subject headings was made, we were able to employ for over a year an assistant for Miss Wharton, and she did a good job. My proposal, and though nobody loves it but me, I still think it is a good

one, was that these two libraries take over the indexing for a year and let Miss Wharton spend that year working on a breakdown of some important subject headings.

In my opinion that would also have served another purpose, and that is to break in potential indexers. As it is now, if we lose Miss Wharton even temporarily there is not a person on this earth who can take over the job with any background for that particular work.

I asked Mr. Coffey of the University of Michigan Law Library if he would do something for this convention, and he graciously accepted, and like the camel who got his head under the tent, I said, "Mr. Coffey, you are in for the day." So here you are.

#### ROUND TABLE DISCUSSION OF CURRENT LAW LIBRARY PROBLEMS

*Leader*

HOBART R. COFFEY

*Law Librarian of the University of Michigan*

MR. COFFEY: As Mr. Price told you, he wrote me sometime ago and asked whether I would prepare a paper on a certain subject. I replied that I knew almost nothing about the subject, and what little I knew I had already said, and I thought that would end the matter. But that was just the beginning of the correspondence with Mr. Price, with the result that he asked me to work up this round-table discussion and see about the papers and so on.

Unfortunately we had a number of difficulties; some of the people who agreed could not fulfill, and some who

wrote papers were not able to be present in person.

The first paper was prepared by William Stern of Los Angeles. He is, unfortunately, unable to be present, and I have asked Stanley West to read Mr. Stern's paper.

Mr. West, come up in front where we can all hear you.

#### SALARIES

WILLIAM B. STERN

*Foreign Law Librarian of the Los Angeles County Law Library*

The subject of library salaries is discussed in the library literature and in library meetings rarely, if ever. Yet, there is a widespread feeling that the library profession is an underpaid profession and that library salaries on the whole are very low in comparison with other salaries. One instinctively searches for an answer to this paradoxical situation.

Several answers suggest themselves. The most plausible answer is that almost all library organizations consist of employers and employees, and are therefore hardly suited for a pointed discussion of this controversial employer-employee issue. One might argue that executive librarians themselves, are employees; that is, employees of library boards or educational institutions, and that they consequently are sympathetic to issues affecting employees. Nevertheless, executive librarians are the representatives of the employer interests, and one cannot deny that the lack of a fair discussion of the salary issues is largely due to the lack of an employees organization which is free of the employer element. As a matter of

fact, among the officers of the nation's largest library association, we find colleagues who are afraid that an active stand in salary matters might taint that association with labor union ideologies.

Yet, there are numerous professional organizations which are aggressive in matters of remuneration, without thereby jeopardizing their reputation as professional organizations. Organizations of teachers, engineers, and attorneys are a few of the groups which have set desirable minimum or average standards for remuneration, and are not accused of jeopardizing their professional ideals.

It may therefore be safely concluded that the discussion of, and action upon, economic issues is proper, even desirable for a professional library organization.

Other reasons for the fact that salary issues are so rarely discussed by library organizations and in library periodicals are psychological. The professional status of librarians including law librarians is of relatively recent date. Even now, some of the more important positions of executive librarians and many of the subordinate and clerical law library positions are filled without regard to specialized education or experience for the position. Some of these selections are based on the usually mistaken belief that appointments which are not made on the merit system attract more competent personnel with broader points of view, or these appointments are made for local or personal reasons. Appointments of this kind have, of course, generally speaking, a depressive influence on law library salaries in general, and particularly if based on personal reasons they have a tendency to preclude the ap-

pointees from actively participating in salary discussions.

Further, the library profession consists to a considerable extent of persons who choose the profession for its peacefulness, its relative aloofness from controversial issues, and the modest security which it affords. A larger proportion of librarians on the lower professional level belong to this group and they are often not interested in social and economic issues. Many of them have no family dependents; they find their moderate income fairly satisfactory; or at least they found it satisfactory until recent years when the federal income tax was adjusted to favor wage and salary earners with dependents.

For all these reasons it is most gratifying that our President, Miles O. Price, and the Chairman of this Round Table, Hobart R. Coffey, have made such a strenuous effort to bring the salary issue before this meeting.

If we desire to determine whether salaries of law libraries are adequate or not, we have in mind the question whether these salaries are low by *comparison*, that is, low if compared with comparable income of other persons within and without the profession. The use of statistical data is, of course, not a reliable method unless we find satisfactory bases of comparison. The data at my disposal do not permit more than a primary analysis of the factors which do influence, or should influence, the salary range of law librarians. This paper is merely the first, but not the final word on an important issue.

If we start out with the assumption that salaries should be a fair compensation for services performed, it becomes necessary to agree on the compass of

duties of a law librarian. I believe the ideal executive law librarian should have the following qualifications.

He is a top-notch executive, equally familiar with the jobs to be performed under his guidance and their overall direction. He is well versed in the handling of public relations in order to assure the library a sufficient income and the users' satisfaction with the library's services. He is an expert administrator and knows how to delegate work. He knows personnel management in order to create a congenial atmosphere of work among a frequently changing and often sensitive staff. He is trained in law in order to appraise the library's needs and to answer reference questions. He is at home in legal history and can read Norman French and medieval Latin in order to assist his patrons in the use of early law books. He knows at least one modern Romanesque and one Germanic language sufficiently well in order to read foreign law books and to guide the library patron. He is familiar with modern economic, social, philosophical, and political trends in order to anticipate demands made upon his library. He is experienced in methods of legal and non-legal research, buying, cataloging, statistics, and accounting. He has a good knowledge of old law book prices. Purchasers of rare law books are some of the few professional buyers who do not have printed general catalogs of commodity prices for their guidance. He takes part in activities of professional organizations, familiarizes himself with the trend of legal thinking by reading legal and non-legal periodicals and magazines and books, and by social association with the intellectual elite among

his patrons; and he contributes to the professional literature.

Of course, no person would equally meet all these qualifications; one person will excel in some fields, and be less experienced in others; and one position may make extraordinary demands in one direction, and not require experience in other lines. Only an executive of a library with, say, more than 100,000 volumes should probably be required to have such extensive qualifications.

Nevertheless, executive librarians would do well to be assisted by department heads who are capable of performing their work on a relatively independent level. These department heads of large law libraries and librarians of medium-sized law libraries should have approximately the same degree of qualifications as executive librarians, but in a smaller number of fields, or they should have the above-described qualifications to a lesser degree, or in the library or legal field only.

Qualifications of our average professional law library employees are still more specialized. Of them, we demand a thorough knowledge of library technique and routines, a basic knowledge of law and the social sciences and of foreign languages, mental accuracy and alertness, and a personality making toward a congenial staff and adequate public relations. Although their work is intertwined with clerical work, it should be free as much as possible of all subprofessional routines.

Clearly, our executive librarians have duties which are comparable to those of business executives or heads of sections of administrative departments. There is no reason why executive librarians should be paid less than their counter-

parts in other professions. So it is not surprising that some law librarians are in the \$10,000 a year and up bracket. On the average, however, salary figures for executive librarians are much lower, but usually above \$6,000 a year.

Department heads and librarians of medium-sized law libraries have responsibilities equal in weight to those of government attorneys, administrative officers, corporation accountants, etc. Experience, however, shows that only a few libraries pay satisfactory salaries to department heads. There is, above all, the Detroit Public Library, one of the more progressive libraries in many respects, which pays to

|                                |                          |
|--------------------------------|--------------------------|
| Technology Librarian . . . . . | \$5,317-5,952            |
| Chief of Major Library         |                          |
| Department . . . . .           | 4,444-4,920              |
| Chief of Minor Library         |                          |
| Department . . . . .           | 4,034-4,510              |
| Head of Library Division.      | 3,716-4,034 <sup>1</sup> |

This schedule recognizes that a department head who is experienced in a specialized field should get a higher salary than the head of a general library department. Clearly, a law library department head (or librarian of a medium-sized law library) with specialized knowledge, should get paid a higher salary than the average public library department head.

Among salaries paid to department heads in law libraries, the salary scale of the Law Library in the Library of Congress has attracted attention. The following figures are taken from the "Annual Report of the Librarian of Congress for the Fiscal Year Ended June 30, 1944,"<sup>2</sup> and are perhaps no

longer correct. Nevertheless, they give an approximate picture of salaries paid to department heads:

|             |     |               |
|-------------|-----|---------------|
| 2 positions | P 5 | \$3,800-4,600 |
| 1 position  | P 4 | 3,200-3,800   |
| 4 positions | P 3 | 2,600-3,200   |

During the War, these salaries were augmented<sup>3</sup> by 20% for the first \$1,200, 10% for the next \$3,400, and 5% for salary amounts above \$3,400; an additional 10% were granted under the 1946 Act (Public Law 390) and basic salaries were increased \$400 a year. It is also of interest—and in line with the preceding generalizations—that a Committee of the American Bar Association is advocating an advance in classification for department heads of the Law Library of Congress, so that the schedule would read as follows (excluding the considerable cost of living increases):

|             |     |                |
|-------------|-----|----------------|
| 3 positions | P 7 | \$6,500 and up |
| 2 positions | P 6 | 4,600 and up   |
| 1 position  | P 5 | 3,800-4,600    |

In California,<sup>4</sup> salary ranges for department heads in some of the largest public libraries are as follows:

#### *State Library*

|             |       |               |
|-------------|-------|---------------|
| 2 positions | ..... | \$3,360-4,020 |
| 4 positions | ..... | 3,180-3,900   |

#### *Los Angeles County Public Library*

|             |       |               |
|-------------|-------|---------------|
| 1 position  | ..... | \$3,276-4,044 |
| 3 positions | ..... | 3,108-3,828   |
| 1 position  | ..... | 2,952-3,636   |

Clearly, salaries of department heads in law libraries should be above the schedules of general libraries.

<sup>3</sup> Fed. Empl. Act of 1945. Laws ch. 212.

<sup>4</sup> 41 NEWS NOTES OF CALIFORNIA LIBRARIES (1946).

5. Figures listed there do not include more recent increases. All the following data concerning Los Angeles County salaries are taken from County Ordinance N. S. 4680 (Salary Ordinance for the year 1946/47).

<sup>1</sup> 71 LIBRARY JOURNAL (1946) 410.

<sup>2</sup> See also 70 LIBRARY JOURNAL (1945) 194.

That salaries paid to library department heads are frequently inadequate becomes only too evident when we determine the purchasing power of the same salary ranges in other fields of employment. The Los Angeles County Salary Ordinance, for instance, provides the same salary for public library department heads and persons in other employment who have only high school, and work or in-service training, social service workers, advanced court clerks, and technicians. The lowest salary paid by that County to attorneys, on the other hand, ranges from \$4,044 to \$5,004 and most deputy attorneys receive from \$5,568 to \$9,150 a year. As low as the salaries of the department heads of California public libraries may seem, they did not even keep in line with their pre-war relation to other county salaries. By comparison with their relative pre-war standing (1940), Los Angeles County Public Library department heads should receive

|               |            |               |
|---------------|------------|---------------|
| \$3,456-4,260 | instead of | \$3,276-4,044 |
| 3,276-4,044   | " "        | 3,108-3,828   |
| 3,276-4,044   | " "        | 2,952-3,636   |

In determining salary ranges for professional library employees in the lower brackets, a comparison of law library salaries with general library salaries seems more justified than in the case of executive librarians and department heads. It seems unnecessary to go into details except perhaps for noting that, with few laudible exceptions, the salaries of our professional library employees are considerably below their desirable minimum. The following salary ranges may or may not reflect national averages. The Cataloging Divisions of the Library of Congress have

the following pay scale (excluding cost of living advances):

|              |     |               |
|--------------|-----|---------------|
| 13 positions | P 1 | \$2,000-2,600 |
| 51 positions | P 2 | 2,600-3,200   |
| 27 positions | P 3 | 3,200-3,800   |
| 17 positions | P 4 | 3,800-4,600   |

Also the wages paid to librarians under the Standard Job Descriptions of the Southern California Aircraft Industry deserve mention. They range, translated into annual figures, from \$2,844 to \$3,600 a year.

California public libraries pay as follows:

*State Library*

|                   |               |
|-------------------|---------------|
| 9 positions ..... | \$2,640-3,120 |
|-------------------|---------------|

*Los Angeles County Public Library*

|                   |             |
|-------------------|-------------|
| 4 positions ..... | 2,752-3,276 |
|-------------------|-------------|

|                   |             |
|-------------------|-------------|
| 4 positions ..... | 2,400-2,952 |
|-------------------|-------------|

|                   |             |
|-------------------|-------------|
| 9 positions ..... | 2,280-2,776 |
|-------------------|-------------|

|                    |             |
|--------------------|-------------|
| 16 positions ..... | 2,076-2,532 |
|--------------------|-------------|

Our analysis of law library salaries would be inadequate if it did not touch upon the issue of salary raises based on the increased cost of living. Salary increases for public employees are either straight dollar or percentage increases, or in the form of job up-grading. If a generalization is permissible, it would seem that on the one hand some libraries, such as the Library of Congress, have succeeded in a fair up-grading of jobs; on the other hand, in many libraries job classification has remained stationary. Concerning dollar and percentage increases, it has been pointed out by the Committee on Library Legislation of the American Library Association in its last annual report:<sup>5</sup>

"While in many states library salaries are still considerably below the general

<sup>5</sup> 39 ALA BULLETIN (1945) 348.

salary level and in some states library employees do not fully enjoy wartime bonuses and advances granted to other public employees, remarkable improvements in salaries, retirement allowances, vacations, and observances of public holidays, have been achieved in at least one-half of the states."

This statement is probably still as true as it was a year ago.

Sketchy as the preceding remarks may be, they are, I believe, sufficient to permit the following conclusions:

1. Law library salaries, particularly those of executive librarians and department heads, are sufficiently heterogeneous to warrant their observation, analysis, and critical review separate from general library salaries.

2. Law library salaries should be higher than, but on a sound relation to, salaries in other employment.

3. Law library salaries are, in many if not most instances, considerably below their desired minimum; also, they are frequently not adjusted to the increased cost of living.

If in ending, I may make a suggestion, it is: "That the American Association of Law Libraries appoint a standing Committee which should be charged with a continued observation of law library salaries and with the collection of salary statistics."

I am making this suggestion particularly for the reason that some of our members may be inclined to underestimate the importance of the salaries issue. The property value of many law libraries goes into the hundreds of thousands. Their cultural value is inestimable. They should be under the care and administration of and developed by, highly responsible and well experienced

law librarians who should find the proper remuneration for their efforts.

MR. COFFEY: Thank you, Mr. West. I am sorry that Mr. Stern couldn't have been here in person so that he could have assisted in discussing his paper and defending his point of view.

I gather from what Mr. Stern said that the average law librarian is worth somewhere between five and ten thousand dollars a year, but hasn't sense enough to know it.

I suspect that one of the results of this paper ought to be that each person would carry back to his Dean or his Board of Trustees some of the findings of Mr. Stern, and insist on a higher salary.

Now, Mr. Price has just reminded me that until 1943 there was a committee on salaries and pay plans.<sup>1</sup> If it is necessary to revive this committee, I am sure that the President for next year will take account of Mr. Stern's suggestion.

We can give five or ten minutes for discussion of this paper if anyone wishes to add anything to what Mr. Stern says. Mr. Hill?

MR. SIDNEY HILL: There is one practical move that we might make; that is, we might offer our assistance to the Librarian of Congress in his troubles with appropriations for the Library of Congress. Also we might help in raising the classification of the position of the Law Librarian of Congress to that of other department heads within the Library of Congress.

I was very disturbed a year ago when the classifications came out and the Law

<sup>1</sup> See Report of Special Joint Committee on Law Library Standards, (1943) 36 L. Lit. J. 155 at 156: "it is recommended, 1. That the project be held in abeyance until after the war; 2. That the committee be dismissed." Editor's note.

Librarian of Congress was down at the bottom of the classification of department heads. Now, this was not satisfactory to Dr. Evans. In conferences with him recently, I discovered he had appeared before the Civil Service Commission and had strongly recommended that the Law Librarian of Congress be classified the same as any other department head in the Library of Congress, and be paid eight thousand as the basic salary. I don't think we have offered any assistance to the Librarian of Congress, and I think it is our duty to do so as well as a committee of the American Bar Association.

There is another practical approach we might take in this matter. We might go after the Association of American Law Schools. I think that the large law school libraries should have a law librarian who enjoys full professorship. I think we should educate the law schools to that point. That position is just as important to the law school as a full teaching professorship.

MR. COFFEY: Thank you, Mr. Hill. Any further remarks?

MR. WILLIAM JOHNSTON: Mr. Chairman, I have felt for years that the law librarians represented in this organization are underpaid. I can't prove it; neither can you, I think. Are they underpaid?

MR. COFFEY: I think they are, Mr. Johnston, but I won't attempt to prove it at this moment.

MR. JOHNSTON: Well, now, in order to do this job right, I think this Association ought to know something about what our members get. You will say that is a very personal question and that it is none of my darned business. That may be, yet you will get nowhere

until you find out what the average librarian is getting. I know the salaries of some, and I can guess fairly close to the salaries of others, and still there is a large percentage I know nothing about. We ought to have those figures.

Now, I don't mean to say that you ought to know how much Johnston gets: it isn't much because he isn't a full time librarian. But you go right through the list, and you can find men with great ability who are doing a fine job every day in the year, and I know perfectly well that men possessing those abilities in other lines of activity get more money.

Why, gracious me, when an ordinary workman can get fifteen or eighteen dollars a day, and double time if he works overtime, I don't know where we poor librarians are coming in. We are not coming in on that boat, that is sure.

I think somebody in authority ought to find out what the librarians of this organization get. I don't mean by that that you should give the names and the library; of course, that would ruin the proposition. We should have somebody we can trust—Miles would be a good man—to go ahead and find out what we are all getting.

I am perfectly willing to tell him if the rest of you will do the same thing. I can tell him what some men are getting, because I have heard it from sources unimpeachable. You can't make comparisons with public libraries. Why? Because they are different from ours, and they get their money voted by politicians. Isn't that so, generally speaking? I think so. Sometimes they are very well paid.

We have a municipal library in

Chicago, whose librarian is an extremely efficient man. I don't know what he gets, but he is a public official and the town council of Chicago fixes his salary. I never attempted to find out what it was, I wouldn't ask him of course; but there are public records that are open to all of us and if you aren't too sensitive about looking at public records you will sometimes discover things.

That is the issue before this organization today and for some time to come. We want to find out the salaries of our various librarians in this room, and those whom I wish were here and are not. Of course, we know the cost of living has gone up.

In the Chicago Law Institute the salaries have been raised twice in the last eighteen months and raised solely on the proposition that it costs our boys more to live than it did a few years ago. They are getting a small salary the way I look at it. None of them are college men, but they know our Chicago Law Institute from top to bottom; they wouldn't attempt to write a brief for you but they will turn to the page where you can find what you want to write the brief yourself. Now, that is something and I think it is a fine system, but our boys aren't getting, in my judgment, what they ought to have.

I wish all of you would bear in mind that a special committee is to be appointed soon to discuss this question of money, and unless they know something about what we are getting, they can't do anything about it.

MR. COFFEY: Thank you, Mr. Johnston. I think Mr. Johnston is quite right that any committee that studies the problem of salaries must have the figures and I hope if a committee is appointed

that it will find out what the salary level is in the law library profession.

MR. JOHNSTON: May I emphasize, Mr. Chairman, the idea that nobody wants this made public?

MR. COFFEY: I think that is understood.

MISS ELOISE B. CUSHING (Alameda County Law Library, Oakland, California): I agree with Mr. Johnston. Also I think in those states which have the county plan, as we have in the State of California, where the fees come entirely from the cases filed and they get no outside support of any kind that it might be wise, in making that survey, to ask what the yearly income of the particular library is, because after all the salaries must be based somewhat on the income.

You may get a very good librarian at a small library because he is allowed to practice. That is also a point that I think should be brought out from those states. Most of our county librarians in the smaller libraries are allowed to practice as well as to have their salary.

I know until four years ago I was allowed to practice and augmented my salary from the library a great deal. I think it might be wise to ask that that information be given from those states which have the county system.

MR. JOHNSTON: May I say another word, or am I out of order?

MR. COFFEY: I think we must be getting on with the program, Mr. Johnston. Before we proceed with the next paper, Mr. Price wants to make an announcement about the dinner.

PRESIDENT PRICE: The big highlight of each year's convention seems to be the annual banquet. Tonight at six-thirty we are to have ours, and the

principal address will be given by Joseph McClain, formerly Dean of Washington University Law School, now general counsel for the Wabash Railroad, who I am told is regarded as a very effective and witty speaker. Tonight he is going to speak on a subject which is peculiarly appropriate to this convention. The title of his address is "The Necessity of a Capable Bar in a Democracy."

I have to notify the caterer this morning as to the number of people who are going to attend. The cost is three dollars and a half including tip, and will those of you who will attend that banquet at approximately six-thirty raise your hands?

Stanley West, will you count those hands, please?

While he is counting I am going to make a remark about Bill Johnston's salary statistics as follows: in practice, if a librarian wants to find out about the salary statistics, he makes his own inquiries among colleagues of librarians of institutions of about his own rank or grade.

MR. JOHNSTON: And they won't tell.

PRESIDENT PRICE: Yes, they will tell you for the purpose of telling your Board of Trustees. Then tear it up and throw it away; it is not for any record.

MR. CARROLL MORELAND: Mr. Hill suggested that this Association take some stand with regard to the professional classification of the Law Librarian of Congress.

I was amazed to find that the Law Librarian of Congress was one grade lower than the head of the reference department of the Library of Congress, and I think he should be on the same

plane if not higher. I think the Association might well take some stand on it.

MR. COFFEY: I am going to suggest, Mr. Moreland, to save time, that a resolution be prepared to be introduced tomorrow morning when finishing up our business. I believe it will get farther if we prepare it in advance. I quite agree with you that something ought to be done.

Now, the next paper was supposed to be by Mr. Price, but Mr. Price tells me that Mr. Rider who is the leading authority on microprint in this country is just about to publish an article in our *Law Library Journal*,<sup>1</sup> and Mr. Price thinks that ought to release him of the necessity of making a talk this morning.

We will pass now to, "The Future of Law Library Conservation," a paper written by Pelham Barr, Director of the Library Binding Institute.

He was unable to be present and I have asked Fred Rothman to substitute for him in reading the paper.

Mr. Rothman.

MR. FRED ROTHMAN: I feel rather unhappy about this, because several years ago I thought I had solved the problem of reading papers which is a practice to which I am firmly opposed. I learned to get around it by preparing a paper after I had delivered it. Unfortunately you cannot do that with someone else's paper.

There is one other observation I would like to make. I received this from Mr. Coffey last night, and I glanced over it. I wouldn't presume to disagree with anything relating to binding in it, but as to other comments, I would like you to bear in mind that the

<sup>1</sup> Fremont Rider, *Microcards and Legal Materials* (1946) 39 L. LIB. J. 42.

words are the words of Mr. Barr and not the reader.

[Mr. Fred Rothman thereupon read the paper of Mr. Pelham Barr.]

## THE FUTURE OF LAW LIBRARY CONSERVATION

PELHAM BARR

*Executive Director,*

*Library Binding Institute*

When I received the gracious invitation from President Price to submit a paper to you, I recalled the first time I had that pleasure—at Old Point Comfort, five years ago. That is a world war away and there is a strong temptation to contemplate some of the things which have changed since then—and some of the things which have not changed. I must resist the temptation, because the more I think of them, the less I know which things have changed and which have not.

Well, the American Association of Law Libraries still exists and so do the law libraries of the United States. That fact is a symbol—and a not insignificant symbol—of what we have won. In some countries of the world, law libraries will have to be reborn—in fact, law itself will have to be reborn.

Five years ago I remarked that "where the law is the whim of dictators and justice is dispensed by men in colored shirts who create their precedents on the spur of the moment, law libraries become museums." I think this statement is just as pertinent today as it was five years ago. The colors of the shirts may have changed—and I am not referring to a foreign country.

Five years ago, I pointed to the increasing quantity of law library material, expressing what I referred to as

"that strange thing flatteringly called 'administrative law.'" I suggested that: "If the symbolic figure of Justice is properly represented as being blindfolded, it seems to this layman that administrative law is what happens when the bandage slips a little from one eye—and covers the nose." I respectfully submit one amendment so that the statement reads ". . . and covers the nose, ears and mouth."

While at Nuremberg and at the Hunter College campus in New York, the world is busy writing a new international law, Washington is struggling feebly to hold on to a semblance of law and order for this country. Your law libraries exist but, judging from what has been happening here in recent months, we must wonder whether your law books haven't a lot of blank pages with many essential statutes still unwritten—and whether some of the fundamental laws we have are worth the paper on which they are printed.

All of this is not a remote, casual and irrelevant joke to introduce the subject of this paper. Now probably more than ever before, the future of the library binding industry and therefore of law library conservation depends on laws, or the absence of them, and on the way they are—or are not—administered.

Since 1941, the entanglement of politics and economics in this country, as in the rest of the world, has become more complex than ever before, and laws are more with us in our daily lives than ever in history. And a tiny and obscure craft like library binding has become completely helpless under the impact of government and pressure groups engaged in a struggle of mutual manipulation.

Of course, all businesses have this sense of being in the grip of economic forces beyond their control—but small businesses, like library binderies, have had this feeling so long that they are reconciled to it. It would be too optimistic to say they have learned to live with it—if conditions get worse, some of the binders may not survive.

Perhaps, therefore, it would be best to divide the future into two parts: The immediate future and the future in which we achieve some measure of economic stability. We must not forget, however, that these futures are not actually separated—that what kind of longer-term future we have will depend to a considerable degree on what happens during the present period of instability.

For the library binders, peace has brought more headaches and more difficult problems than those they had during the war. Perhaps it has been their own fault. They have been Rip Van Winkles in a dynamic and modern world of new ideas and new economic techniques. They did not go on strike—they did not even all get mysteriously sick at the same time. They did not hoard their crops like farmers or store their output like shirt manufacturers. They didn't do black market binding. They just went ahead and worked as hard as they could—and they did so even when they were losing money.

They had no war contracts and no war profits. Very few, if any, entered the reconversion period with reserves of money, materials or manpower. Not only did they receive no help from Washington, but the hindrances were many. They had come to expect noth-

ing from Washington, except mealy-mouthed hokum about small business—and so they were not disappointed. The government did not help them get materials and it made it as difficult as possible for them to get or keep workers. All that small business has received from the government is headlines, which are not very nourishing. This year the government has done a thorough job of helping small business. It published a handsome brochure about all the legislation which had been introduced on behalf of small business—and which had not been passed. Every law library should have a copy of this volume—it is probably unique as a record of a government going out of its way to add insult to injury.

Perhaps librarians should remember that the library binding industry received no consideration from the government because the library profession received no consideration. It must be admitted that the library profession was 99 per cent ineffective in achieving recognition by the wartime regulatory agencies. I say 99 per cent only to be conservative—actually, I do not know what the other 1 per cent represents. This recent past is not raked up because it is unpleasant. It is something significant to be remembered—it is an omen for the future because the underlying causes of this governmental attitude have not been changed.

Conservation and library binding, like every other economic activity, national and individual, now face the dominant and all-pervasive disruption of inflation. The smallest bindery and the largest library must face the fact of inflation now and in the immediate future; and what binderies and libraries do—or can

do—depends on the tempo and nature of inflation. I am not predicting wild inflation and I do not know when or whether it can be controlled. Nor do I mean that all bindery troubles today are caused by inflation, although most of them are closely interwoven with inflationary conditions. It is a peculiar and devastating fact that under conditions like those prevailing in recent months, sooner or later every economic condition—even those which originally had little to do with inflation—all get tangled up in it.

Each individual bindery has its particular problems, but almost all are variations of the main ones of materials, men and money.

Since the beginning of the year, materials have been harder to get than during the war. With few exceptions, if any, the binders do not have enough buckram to carry them through the rush season which has just started. The work has so piled up in some binderies that some of them probably do not have enough buckram to cover the books and periodicals which are there. After months in which it was impossible to get any buckram, small shipments are being received to fill old orders—and it may be just in the nick of time to save the binderies from shutting down. When at the end of last year, the outlook began to be dark, the Library Binding Institute set up a "Swap Shoppe" through which members could exchange buckram in colors they had for the colors they needed—also buy other materials from each other. This made possible the completion of many volumes which were waiting for matching cloth. During the war and since, the Institute worked closely with the

three manufacturers who have been making anything like buckram—whenever they could make anything at all. As a result of careful planning, we can now say, for the time being, that every member, large or small, is getting some buckram—not all he needs nor in all colors, but enough to keep him going on immediate jobs. Things have changed for the worse since the beginning of the month. Next month, only one buckram manufacturer will be producing; before the war, there were eight or ten. Some law librarians who insisted on continued matching of sets have undoubtedly had to wait even longer than usual for deliveries. This may continue for a time. No one can predict now when regular buckram will again be in normal supply.

The Institute has also worked closely with the binders board manufacturers so that board was shipped at once to any member who found himself in seriously short supply. In this way, despite the difficulties of the board manufacturers, no member bindery had to slow operations because of lack of board.

The buckram situation is now becoming entangled with general inflation—but it was not caused by inflation. At any time since the end of the war—and many times before that—one or two men in Washington could have made it possible for the library binding industry to get all the buckram it needs. And nobody else would have been hurt by that. But most of the men in the agencies which had it in their power to help know nothing about libraries and what they do.

While the buckram situation has been most serious, all fabrics needed for binding are in poor supply. The whole

textile industry's production and distribution system is disorganized and radical changes in corporate structure and merchandising methods are upsetting many long-standing arrangements for manufacturing and supplying particular types of fabrics. Nobody can predict when there will be a normal supply of backlining flannel or reinforcing fabric. Frequently they have been impossible to get. Binders are paying whatever they have to to get fabrics suitable for the purpose—twice as much and more, usually, than they used to pay.

Prices of materials are, of course, going up, as the President's "bulge" policy is making OPA's "holding the line" a mere figure of speech. There was an increase in buckram prices some time ago and last month the buckram manufacturers announced that their invoices would be on an "adjustable" basis. That is, the binders paid the bills and when OPA raises the ceilings, the binders will get additional bills for the buckram they have already used.

In the same way, binders board had been sold for some time at an unknown price. OPA has raised the ceiling and binders discovered that they would have to pay more for the board ordered months ago.

This "adjustable" pricing and the retroactive increases are, of course, developing in many industries under the new OPA policies. The binders are thus beginning to feel very sharply the effects of inflation on their materials costs. Nor do the binders have any idea as to what their labor costs are going to be for the rest of the year—or even next month. Under present conditions, there is no kind of wage agreement which is worth the paper it is writ-

ten on. The end of the war has not ended the labor shortage for most binders. This is shown by a survey which I have been making—actual payroll figures show that present working forces would have to be increased 16 per cent in order to reach prewar manpower. This does not refer to efficient help—just numbers of hands. In some shops there are more workers than a year ago, but there is still a heavy turnover and promising new people are coming in very slowly. In some areas, of course, conditions are much worse than in others—in many, suitable women workers are practically impossible to hire.

Wages in all binderies have been going up steadily—the average wage having gone up over 51 per cent since Pearl Harbor. If the inflationary spiral is not stopped, they will continue to go up at a faster rate. At the same time, in most library binderies, there has been little, if any, improvement in productivity from the low point of wartime. Congress has not yet decided at what point the new minimum wage is to be set. If, as seems possible, the minimum is set at 65 cents an hour straight time and 97-1/2 cents an hour overtime for any worker, regardless of competence, there will have to be a general increase for all employees in most binderies.

All costs are going up—even if we have only what is called "mild inflation." But nobody knows how mild it will be and no library binder can tell where his costs will go. This uncertainty makes it impossible for a binder to organize his shop on any stable basis. As all librarians know, bindery operations are slowed down and many binders this summer will not know

when they will start or finish a specific job—or what it will cost them.

The question every binder faces is how he can make a contract for a year ahead—or even take work for a few months ahead—at a definite quotation. If what he buys—materials or work—goes on an "adjustable" basis, how can he stay on a fixed contract basis? If he guesses too low, he will lose money; and if he has some sizable contracts, they may put him out of business. If he guesses too high, it is not fair to the libraries.

The library, including the law library, is, of course, up against the same problem of uncertainty if there is any degree of runaway inflation. How far will fixed appropriations go? The librarian has one advantage over the bindery; when a librarian sees any possibility of his budget being exceeded, he can curtail services. But when a bindery makes commitments ahead and cannot meet expenses, it must go out of business.

I don't think any librarians want that to happen. Librarians generally have come to appreciate bindery service more, as its availability has decreased. Judging from the number of inquiries I have been receiving lately for names of binderies, many librarians must be looking around for new binderies. They have become impatient—and they should not be blamed. But the wisdom of trying to change binderies at this time is very doubtful. Practically all are in the same difficulties, regardless of what their salesmen may say. Some librarians who have changed binderies have been disillusioned. A bindery which has served a library for a number of years will generally try to do whatever it can to give the best possible service. Even

though it may not be as good as in the past, it may prove better than that of another bindery, which is not familiar with the library's particular needs. It may therefore be a sounder policy, if a bindery has served well in the past, not to change to another.

A storm sometimes reveals the strength of a structure and the present crisis has shown some dependable foundations on which library conservation can build for the long-term future. Possibly the most important is the mutual understanding and confidence which have been developed between the library profession and the library binding craft. This has expressed itself in more effective individual operations and in constructive and helpful group relations—the cooperative program of librarians and binders started in 1935 with the organization of the Library Binding Institute.

One way in which the structure has stood the test is quality. Despite material shortages and labor shortages and continuous trouble in every bindery, the general quality of library binding has been maintained. Certified binderies have been required to maintain them, and the Class "A" Specifications have been kept unchanged throughout the war. And despite the rising costs, the moral influence of the cooperative program of librarians and binders has been such as to hold binding prices down to only a 20 per cent increase since Pearl Harbor. In that time, the cost of binding new books has gone up 58 per cent.

The economic structure of the library binding industry is, of course, an important factor in the conservation of all libraries. One outstanding fact which the last few years has made al-

most certain is that the wage levels in library binding are permanently higher than ever before. It was once a low-wage industry—it is not any more. Regardless of any general reduction in commodity levels, library bindery wages will probably never be substantially reduced. We may therefore have to expect that the unit costs which librarians have used in the past in budgeting for binding will no longer be valid, either in the immediate or the distant future.

This may result in stimulating a new approach on the part of librarians—including law librarians—to the whole subject of the place of conservation in library administration. It is true that in the period of shortages, and especially now, librarians have come to appreciate the importance of binding. But in many cases, it seems to be the appreciation we all develop for something we can't get. I am not at all sure that this appreciation represents a fundamental change in attitudes—binding is still usually considered a necessary evil. What may develop in the next few years—and what has been needed for a long time, in law libraries as well as all others—is a program for definitely fitting conservation into the whole system of library administration. This, in law libraries, means using conservation, including binding, to achieve the maximum service for the collection per dollar of expenditure—service in reader use and service in preservation.

As President Price stated it last month: "Probably, law books receive harder and more frequent use than in almost any other field of knowledge and, consequently, require the very best in the way of binding." In order to achieve the very best, the librarian can-

not depend simply on waiting for each individual book to come to his attention when it is falling apart and then turning it over to the bindery. The very best can be achieved only when each binding job is part of a comprehensive system in which the whole collection is adequately safeguarded for preservation and maximum use at all times. I shall not repeat what I said at Old Point Comfort on this subject—but I do wish to stress even more emphatically that conditions in the future will demand more than ever before a real program of conservation in the law library.

Such a program, as I have pointed out, must include: Protection from wear and tear; preservation from deterioration; protection from loss, and maintenance of material in usable form. And an adequate conservation program cannot be achieved haphazardly—it can come only from careful planning. There are, it seems to me, at least six essential steps in conservation planning: (1) A general survey of the collection, including the classification of each type of material with respect to its conservation needs; (2) A critical analysis of current practice in dealing with conservation needs; (3) A drastic revision of undesirable practices; (4) Formulation of a basic plan to provide for each of the fundamental needs for each piece of material; (5) Scheduling of a program (a) to cover a long period; (b) to cover each year and each part of the year; (c) to provide for the backlog of material which may have been neglected, and (d) to budget immediate needs; (6) Setting up the necessary organization for conservation and systematizing its procedures.

All of this is not easy—no planning is easy, of course. But it should, in most cases, be easier for a law library to plan than for a public library, for instance. The law librarian does know, to a considerable extent, the types of material which will be bought and the ways in which it will be used. Almost everything acquired must be conserved—there is no question in the law library of discarding an outmoded novel in which the heroine marries only once in every five pages.

As a result of planned conservation, we may expect in the future closer co-operation between libraries and binderies, individually and collectively. Out of this cooperation can come better methods in both. For example, the library staff could develop better ways of protecting and preparing material before it goes to the bindery; and the binder could perhaps develop better ways of handling the material that comes to him.

And there is still much to be done in conservation aside from binding. The protection of material against deterioration and loss still has many unsolved problems—and where there is a solution, it is generally still too expensive for the average law library. The preservation of material against excessive heat and cold, dryness and dampness, is in many libraries still full of serious problems. Some day there may be real air-conditioning of an economical type especially designed for libraries. But it isn't here yet. Judging from the orders we receive for the L. B. I. mildew-inhibiting solution, mildew is a problem in libraries in all parts of the country. Insect pests still are a nuisance and still take their toll. We have heard a lot

about the miraculous insecticides developed during the war, but they do not seem to be the miracles claimed by the ballyhoo. For example, research work is still continuing in order to find out the unknown facts as to how DDT kills some insects under some conditions and why it fails to do so in other cases. Some day, very possibly, there will be insecticides suitable for library use—which will keep insects away from a stack, not merely repel them or annoy them after they have eaten a piece of a book. But neither the insecticides nor the techniques of using them in libraries seem to be here yet.

Library binding has made very real technical progress in the last ten years, but there are still some binding problems of law libraries which need attack and solution. I hope and believe that once the present difficult conditions ease up, these problems will be systematically approached and solved—by the cooperation of librarians and binders. Here are a few of the problems which may need a new approach: The problem of especially heavy volumes may require development of new materials and new construction. The problem of poor paper in law materials (particularly State documents) can perhaps be solved only by concerted protest of law librarians to State agencies. The possibilities of pre-binding need further investigation. The need for matching sets results in difficulties in finding individual volumes, especially in dim stacks—some suggestions made by Mr. Price may prove effective. The problem of binding different sized materials in one volume needs more attention. The excessive use and wear of a few pages in certain volumes can be solved

by lamination before binding—the process is not cheap, but it can save whole volumes.

The problems of protecting unbound material are many, as every law librarian knows from experience. I have often been asked "Why isn't there some inexpensive binding for material which doesn't need Class 'A' binding?" The answer is that any form of satisfactory binding cannot be inexpensive. The main element in binding costs is labor cost. It costs a certain basic and irreducible amount of money for sheer handling in a bindery, whether it is expert craftsmanship or incompetent bungling. Real cheapness can only come from carelessness. A good bindery is that because its staff has been trained to do good work, carefully, thoroughly, to the point where it is second nature. No other way is possible psychologically or economically. Therefore to tell workers to be careless on a certain job because it has to be done cheaply is business suicide. The cheap job would require special segregation and handling; the workers would have to force themselves to forget their good habits. The result would be chaos—and, if successful, would mean poor binding for those libraries which want the best because it is the most economical.

Perhaps there needs to be more real understanding of the nature of library conservation. In many ways, the money budgeted for binding and other forms of conservation is an item entirely different in nature from the other items. It is an expenditure, of course, but it has the function of saving money. Very often it has the function of saving materials which cannot be bought.

When conservation is planned and binding budgeted with a full realization of this fundamental fact, conservation will prove to be even more important in law library administration in the future than in the past. And despite the present difficulties and future uncertainties, I have confidence that conservation in law libraries will have a bright future in direct proportion to the co-operation between librarians and binders.

MR. COFFEY: I am sure we are grateful both to Mr. Pelham Barr and also to Mr. Rothman who read his paper so well.

I think we may take five minutes for discussion of this paper if anyone wishes to comment on it. Does anyone wish to comment on the subject of binding?

If not, we will pass on to the next paper by Mr. Moreland on, "State Administrative Regulations."

Mr. Moreland.

## STATE ADMINISTRATIVE REGULATIONS

CARROLL C. MORELAND

*Librarian of the Biddle Law Library  
University of Pennsylvania*

In 1935 the Federal Register Act was passed and we all appreciate what has happened to the situation with regard to federal administrative rules, brought about by the publication of the Federal Register and the Code of Federal Regulations. The same unsatisfactory condition which prevailed previously in the federal field still prevails in the state field, but since 1937, some progress has been made, and I am here to speak about that.

Since 1937, eighteen states have enacted legislation which will tend to bring those rules to light. In four of them the only requirement is the deposit with the Secretary of State or some other state official of all the rules and regulations in order to make them retain their effectiveness. There is another state which requires copies to be deposited with the clerk of the court and the State Bar, as well as the Secretary of State. Those five states have not solved the problem by a long shot.

There are thirteen states which require publication in some form. Ohio and Tennessee have adopted a policy, which most states at the present time follow without legislation, and that is, they require the publication of rules by the department which promulgates them. That, I think, would be unsatisfactory because in Michigan prior to 1943, almost every administrative body frequently didn't do it for seven or eight years, and they then went out of print and you couldn't find them. I am not sure they have the answer.

South Carolina in 1937 passed an act which required publication by the Secretary of State of all administrative rules of agencies as an appendix to the session laws. So far they have not made any cumulation, so that each volume of session laws must be consulted from 1937 on through to bring the reader up to date.

Massachusetts took the step in 1939, and it then required the agencies, when they published their annual report, to put in an appendix the rules under which they operated. The Massachusetts Act has been re-written and in effect repealed by chapter 292 of the laws of 1945, since the 1945 act does

not call for publication of the rules of the agencies as appendices to their annual reports.

Wisconsin in 1939 passed legislation creating a Wisconsin Red Book of administrative rules and orders. It is now in its third edition and includes the rules of almost all of the departments and agencies.

In California in 1941 an act was passed which presumably was a copy of the federal setup. They established a Publication Bureau which was to publish in the California Administrative Code all existing laws and regulations. That was to be followed up by the California Administrative Register which is a supplement to that and contains rules as filed. California now requires that the rules be filed before they become effective which I think is the only sound way of doing it. There wasn't any appropriation in the 1941 Act, but in 1943 they got some money and the war interrupted the process. Just recently they have started publishing. It isn't bound, it is stapled together, and it comes out by title. They use the number of the code under which each agency operates. At the present time they have thirteen title volumes. Some of those titles are not complete and it presumably is to go into a loose-leaf binder, because it is already punched.

The price for each title ranges from 25 cents to \$2.50. I have a feeling, though, that they are not going to publish a supplement as called for by the Act, because they already are sending out supplemental leaves to the loose-leaf binder. That practice I think, from the viewpoint of librarians, is very bad because you have to put those sheets in the appropriate place, and you ordi-

narily discard the superseded ones. You always know what the current material is, but I don't know how you would know what the state of the law was a year ago. I think they should have done what they intended to do at the beginning and published the supplement.

Kentucky in 1942 passed an act which I think is based largely on the California Act. They aren't doing anything; they say they don't need to. So the situation is just the same as before.

Michigan in 1943 also passed an act somewhat similar to California. That volume was published in January 1945 and contains about 1500 pages, 800 of which are devoted to the Public Service Commission regulations. It is a very inexpensive volume, only \$5.00, and you get a lot for your money. Supplements are published with regularity.

In discussing the matter in Michigan we felt we had a device to cut down the number of changes by pro-rating the cost of the supplement among the departments that had changes. It may have borne fruit, because the supplement is very narrow, but I did notice the last time we looked at one that we left a loophole in the law. We said when we drafted the act that we felt some of these might have to be immediately effective rather than wait for the publication, so we said the Governor could grant immediate effect to these. I just happened to notice that some of the rules and regulations of the Conservation Department were a matter of sufficient state-wide importance that the Governor had to give them immediate effect.

The latest publication that I have seen is the official compilation of codes,

rules and regulations of the State of New York. This is the most expensive one. It is \$50.00 and comes out in five volumes containing 3900 pages.

The first two volumes are arranged alphabetically by name of the department, with the exception of the Department of Labor which is contained in Volume III, and Public Service which takes two volumes. There is no index; the contents page indexes some of the individual departmental rules.

In Connecticut in 1945, an act was passed providing that, the rules issued after April 15, 1945, would appear first in the *Connecticut Law Journal* and then as an appendix to the Connecticut Supplement.

The Virginia State Register was published in 1945. Although the Virginia State Bar introduced a number of bills, this one was the most innocuous of the lot and that is the reason it passed. They failed to include the most important administrative agencies. In fact, they don't include the Public Service Commission, but you do find the rules regarding the minor agencies. These may be important in Virginia, but I would think the Public Service Commission would be more important than the others.

Now, Pennsylvania, which I am told is ordinarily the 48th state only because there are not 49 states, passed a law in 1945 creating the Pennsylvania Register which should be out soon. That will contain all the rules as of January 1st, and then they will publish a monthly supplement which will contain all the new rules.

Pennsylvania, Michigan, California, and New York require deposit of publications before they become effective,

with the possible exception of emergency measures. I am rather pleased with what is going on and I think more states will come in as time goes on.

There is one thing I can criticize. I think it was in 1939 that a bill vetoed by the Governor of New York was exactly the same as the one passed in 1944. Likewise in 1943 the Governor, Mr. Dewey, vetoed the bill without comment, and I understand that it was for reasons of economy. But in 1944, with no one looking, a similar bill was introduced as an administration measure, and was passed and signed by the Governor. I suppose the reason was that it had an appropriation of \$25,000 and the \$25,000 was not to be spent until after the 1944 election. So that would still keep down the economy. [Applause.]

MR. COFFEY: Thank you very much, Mr. Moreland. Would anyone like to ask Mr. Moreland any questions about these administrative rules and regulations and their publication?

It is a very interesting and a very important subject, and Mr. Moreland, I know, has given a great deal of time to it.

We will pass on to the next paper which is a report from Mr. Arie Poldervaart on The A.A.L.L. Exchange.

#### THE AMERICAN ASSOCIATION OF LAW LIBRARIES EX- CHANGE

ARIE POLDERVAART

*Librarian of the New Mexico Law  
Library*

Before I start on the report I might mention a few things as to the history of this Exchange. When I first at-

tended an Association meeting about ten years ago, several librarians there got together in one of the hotel rooms and we each had our exchange list of duplicate books, and we had a regular old-time swap session. However, there had been some efforts made at that time to establish an Association Exchange whereby a library could write in to the Exchange and advise it of the duplicate materials which it had available.

I have handled the Exchange for sometime, but because of the constant increase in the demands upon the New Mexico Law Library, without any corresponding increase in personnel, I found it necessary to request the Association about a year and a half ago to make a transfer of the Exchange files to some other library. No such new library has yet been found to take over the project.

I am as convinced as ever that the Exchange can serve as one of the finest projects this Association has undertaken. I find, however, that our present system calling for a ten cent service charge for each book exchanged through the Association is not very satisfactory. It requires too much bookkeeping and time which could more profitably be spent in filing and matching want and duplicate slips.

The procedure, I believe, would be simplified and the service expedited if, when a want and a duplicate are matched, the two slips could simply be placed in an envelope and mailed to the library which listed that particular item as a want.

To cover costs of operating the Exchange, instead of a service charge based upon items actually matched, I would like to recommend that Associa-

tion libraries desiring to participate in the Exchange pay an additional \$5.00 a year with their dues for the privilege of exchange participation.

Operation of the Exchange on behalf of the Association, which gives the first choice for any duplicate listed to the operating library, truly makes a splendid project for one of our small law libraries. Such a library would profit the most from having the exchange files readily available, and in a small library the librarian has more free time to devote to the project than is usually the case in the larger libraries. Perhaps, if a sufficient number of our libraries agree to participate on this basis, the Association might also be in position to pay to such librarian an honorarium of at least \$10.00 or more a month, depending upon the number of participating libraries and the funds derived from this source.

Most of our libraries, I feel confident, which are interested in the exchange of law books, would be more willing to pay the \$5.00 a year for the exchange privilege. I would like to suggest that this meeting consider the advisability of operating the Exchange on some such basis as I have outlined, and that this meeting authorize and direct the Executive Committee to designate a new library to take over the Exchange and to formulate a more workable plan of operation.

During the three years in which the New Mexico Law Library has operated the Exchange on behalf of the Association, two particularly discouraging features have presented themselves: first, though comparatively simple rules were prepared and sent out to libraries requesting information concerning listing

their wants and duplicates with the Exchange and were printed in the *Law Library Journal*,<sup>1</sup> typewritten lists of these wants and duplicates, rather than listings on 3 x 5 slips, continue to come in. Nothing can, of course, be done with these lists until the items listed have been typed off individually on slips.

The second and most discouraging experience of all, however, has resulted from the fact that in two cases libraries which listed their duplicates with the Exchange, suddenly decided to sell them to second-hand dealers. Then, having done so, they notified the Exchange in words substantially as follows: "We have sold all of our duplicates to a second-hand dealer. Please remove all of our duplicate listings." What could we do? We had to remove the duplicate slips for those libraries, but we received no list to show us what they were. Their slips were all intermingled with many thousands of want slips and with thousands of duplicate slips from scores of other libraries.

To remove them we had to inspect every single slip in the files to determine whether it was a duplicate listing from the library in question. Because of this experience, it would seem imperative that each library requesting participation in the Exchange should agree not to dispose of material listed with the Exchange to second-hand dealers. The filing of all those duplicate and want slips and then a year or a few months later removal of the duplicate slips, even where satisfactory instructions and lists for removing them are given, requires a great deal of time,

<sup>1</sup>(1943) 36 L. LIB. J. 69-72; 166-168. See, Rules and Policies Guiding Operation of the A.A.L.L. Book Exchange, pages 69-72.

and it is unfair to impose this burden upon the library handling the Exchange. Any library, in other words, which decides to make its listings, should be prepared to keep these listings with the Exchange for a reasonable period of time.

It should be made clear that listing material with the Exchange does not in any way prevent the libraries so doing from endeavoring to exchange that same material directly with other libraries. The only requirement is that if any such exchanges are made, removal notices be sent to the American Association of Law Libraries Exchange promptly so its files may be corrected.

As a final suggestion, I should like to emphasize that libraries which make their listings ought to keep a duplicate record of what they have listed. Some of the libraries now participating are keeping this record on sheets, while others type carbon copies of the slips they send in to the Exchange. In the latter case, they merely mail the duplicates of any they want removed to the Exchange with instructions that the originals be pulled.

Undoubtedly, a discussion of the various problems here presented will bring forth helpful suggestions, and I trust that some time may be devoted to it at this meeting.

Has anyone any suggestions with reference to this? I believe we would do well if we could have some formal action or direction to be taken by a committee, perhaps authorizing a new plan as to paying for this service.

I would suggest, too, that the Association endeavor to put it on an hon-

est-to-goodness basis. If we do have a five dollar a year subscription, I feel certain my little library would be more than glad to pay this for the opportunity of filing our duplicates and our wants with a central Exchange of the Association. The Association would have an opportunity to receive enough income to pay some library a small honorarium to keep this Exchange going, even if it were only ten dollars. It wouldn't take many libraries to do that, and with a simplified procedure for mailing these slips out, the only other expense would be for envelopes and postage.

If there are any questions on this I would be glad to give the answers, or any discussions, Mr. Chairman.

MR. LAURIE RIGGS: Mr. Poldervaart, is there any expense attached to it other than payment of a person to manage the Exchange?

MR. POLDERVAART: That is all the expense. You see, if each library would prepare the slips in the form shown on these mimeographed sheets, they would come together, and you would have some kind of a file in which to keep them. Only a small unit would handle hundreds of thousands of those slips, and outside of that there is nothing to do but match them and put them in the envelope.

MR. RIGGS: Have you been bearing that expense so far?

MR. POLDERVAART: I have been bearing it personally. There is only one thing the Association did pay for and that is those little notification slips which were used both for billing and for notifying the libraries. The other expenses I have paid and handled personally.

For the first two years the expenses were rather heavy. This past year, I haven't had time to give it much attention, as much attention as it deserves. I think it is a very worthy thing, and it is an opportunity for a small library now to take over.

Our library has benefited, I must say, very materially by the opportunity of having the Exchange and of filling the gaps in our collection.

MR. COFFEY: Thank you, Mr. Poldervaart.

Mr. Poldervaart's paper contains the suggestion that his library is unable to continue to carry on this project, and that some other library volunteer to take it over, or that the Executive Committee proceed to find a library, and perhaps revise the system somewhat, but to see that it is carried on.

I suppose this lies within the province of the Executive Committee without any action on the part of the convention if the committee, when it meets, sees fit to take action.

Are there any questions you would like to ask Mr. Poldervaart before we proceed with the last paper?

MR. McNABB: I have one question. I notice you have one item on a page. Suppose we have a run of items, or something like that. Do you want those on individual slips?

MR. POLDERAART: That is a good question. I didn't include that for the reason that it was explained in the *Law Library Journal*. There are two exceptions perhaps to listing only one item to one slip. One of those, in the case of legal periodicals, where you may have two or three numbers, the Exchange can very well handle that if you have the individual numbers relating

to one volume all on one slip.

Then the other exception is the case where you have a complete run, say the Reporter System or some other item where you have quite a few volumes. It is all right to list that on one slip provided you want to do this, and this is usually the case: you either want to acquire that as a unit, or you want to dispose of that as a unit. Now if you want to do that, then you may use only one slip, and those would be filed ahead of the volumes for that set. Then if two slips came together in the file, one wanting and one offering those particular volumes, then the exchange would be effected that way.

MISS CUSHING: May I make an announcement in view of this discussion?

Our library has a great many duplicate volumes of California Codes and Statutes. I thought if any library should want them, it would save the Exchange a certain amount of trouble if the library would write direct to the Alameda County Law Library and give me a list of its wants. We have shelves of duplicates, of course, not all of one year complete, but we have the various years both in the codes and statutes. I would be glad to receive inquiries and to ship them to anybody who wants to pay the express for them. We are not trying to sell or exchange. We want to get rid of them.

MR. COFFEY: Thank you very much.

If there are no more questions on this paper, I will ask Mr. Sidney Hill to give his report of the Committee on Aid to Devastated Libraries in War Areas. Mr. Sidney Hill.

[Mr. Hill thereupon read his report, as follows.]

## REPORT OF THE ACTIVITIES OF THE AMERICAN BOOK CEN- TER FOR AID TO DEVA- STATED LIBRARIES IN WAR AREAS

SIDNEY B. HILL

*Librarian of the Association of the Bar  
of the City of New York*

It is with great pleasure that I find myself here in the land of Gamble Jordan and Oscar Orman, and that I have an opportunity to report on the activities of the American Book Center for Aid to Devastated Libraries in War Areas. However, at this stage of its program, the Center is not only concerned with informing you as to its progress but with impressing upon you its need of your assistance.

Those of you who were at Rochester last year may recall that some of the members present at that meeting were doubtful as to whether the devastated libraries in war areas would be desirous of receiving such material as might be collected in this country by the American Book Center. In fact, one of our distinguished members even doubted the advisability of conducting any campaign for such purpose.

At that time the American Book Center had been recently organized into a corporation, and before it could make any effort whatsoever to stockpile material in economic, social and scientific fields of learning, it was necessary to raise funds of \$150,000, the amount estimated by the Center for operational purposes.

Transportation it was thought would be one of the most difficult problems, but through the generous aid of UNRRA

and a number of other agencies, the Center soon found itself not only able to handle shipment of its own material but also to assist other organizations in sending books to foreign countries.

With transportation difficulties behind it, the Center still was hesitant to proceed with the book campaign until it had obtained a large portion of the needed \$150,000. I am happy to report that it has now received approximately \$100,000, and the campaign has been well under way for the last three months.

The Book Center is greatly indebted to the aid furnished to it by the Library of Congress which has supplied it with warehousing space and stacking as well as space for its Administrative Offices, which offices have become the headquarters of the Center for operational purposes.

The campaign for raising of funds was organized by Mr. Kenneth R. Shaffer, Executive Director of the Center, and as previously stated, it has been highly successful. In fact the operations of the Center have been so successful and efficient to date, that the Rockefeller Foundation volunteered to contribute an amount additional to that which they gave the Center in 1945.

A large accumulation of serial and documentary publications was given to the Center by Governmental Libraries in Washington and other libraries on the eastern seaboard, and on the very day announcement was made of the availability of this material, representatives from foreign countries started arriving at the Library of Congress for the purpose of selecting items for which their respective countries were eager.

There are now twenty full partici-

pating nationalities and fourteen who have partial participation, or in other words limited participation in the selection of material. Full participation depends upon whether or not the quota for operational purposes set by the A.B.C. has been met either by funds received from the Government of that particular country or by friends of that Government.

After material has been selected for a particular area it is shipped to a central agency established by the Center therein. Notification of the shipment is sent to the Government of the country receiving the material, our State Department, the United States Embassy in that country, as well as to the agencies who have contributed funds. Shipments have already been made to fifteen countries, and there have now been distributed a half million volumes.

The Center prorates so much of the operational cost to each foreign country it hopes to serve, the amount depending upon the size of the country in question and the state of devastation of its libraries; each country being permitted to select a proportional share of the stockpile in ratio to the amount of money procured for its operational expenses.

Besides stockpiling material, the A.B.C. acts as a coordinating agency and assists other agencies who are attempting to collect books for particular libraries in Europe and in the Orient. It is in a position, as previously stated, to transport collections for such groups, and at the present time is about the only medium through which these organizations can move their donations to foreign countries. For example, the Joint Engineers Council are stockpiling en-

gineering material for engineering and scientific libraries in Europe, and are using the A.B.C. as a means for shipping their collections to the libraries for which they are intended.

The Center has also been approached by individuals and organizations to purchase books for particular libraries in war devastated areas, and it has been able to do this as well as ship the material to its intended destination.

To assist in the stockpiling campaign, the Center has appointed a chairman in each state, and in some of the larger municipalities a city chairman, as well as subject chairmen in specialized fields. The work of the latter will be principally with professional and scientific organizations and groups. These appointments were announced in the June issue of the *American Library Association Bulletin*.

There has been considerable publicity regarding the work of the Center in various library journals and in some of the daily papers. However, it is thought that a better medium of publicity to obtain the type of material desired by the Center, would be through scientific and professional publications. Accordingly releases indicating briefly the activities of the Center and the type of material it desires, have recently been sent to nearly six hundred organizations issuing such publications. This was done because the Center feels that it is conducting a campaign for specialized material and not one for just any type of book. In other words, no appeal will be made to the general public as was done in the U.S.O. Book Campaign. This is thought to be wise and proper, as the Center is attempting to acquire only the highest quality of publications

in the social, economic, scientific, technical and cultural fields of learning. Inasmuch as only less than ten per cent of the material received to date has had to be discarded, it appears that the Center is justified in this course. Many of the publishers, and educational and learned societies are sending considerable quantities of their publications to the Center, such as the Princeton University Press, the Huntington Library and the National Educational Association. This latter organization is presenting to the Center some two hundred copies of each of its publications which have appeared in its priced catalogue.

If anyone questions you regarding the desirability of some particular type of material, and there is any doubt about its suitability, please communicate with Mr. Kenneth R. Shaffer, Executive Director of the American Book Center, at the Library of Congress, Washington, D. C.

You may be interested in the operation of the Center in handling gifts as they are offered. To begin with, it is hoped that the donors to the Center will make shipment to the American Book Center, Library of Congress, Washington, D. C., and that they will volunteer not only to give the material but pay the transportation to Washington. However, in instances where this cannot be done, the Center upon request will refund the transportation costs, but it cannot prepay the shipment. Any agency sending shipments to the Center must pay transportation costs and then send bills for reimbursement to the Center.

Material is selected from the stockpile for a particular recipient in a foreign country, sorted, repacked and

shipped to the foreign area within a three weeks period. This is proof of the very efficient system established by the Executive Director and the proficiency of his staff. The Directors were most fortunate in obtaining the services of Mr. Shaffer, and it is with regret that he will leave the Center on the first of September to become the Director of the Simmons Library School.

To recapitulate—it was the hope of the Center to raise the necessary funds for operational purposes, to find a suitable depot for the stockpiling of the books, to handle and transport collected material for the Orient and Europe, to establish a proper agency to receive such material in foreign countries and to have it transmitted to the desired libraries within that country. The goal was not less than a million books. It is now estimated by the Center that at least three million volumes will be received and sent abroad. It is particularly desirous of receiving publications published within the last ten years. However, valuable source material of an earlier date will be readily acceptable. It is hoped that you as law librarians will do your part in seeing that substantial numbers of legal publications, statutory material, constitutional law items, legal periodicals, volumes on international law, administrative law and the like will begin to flow from your institutions to the Center in Washington. The directors of this campaign are now satisfied that it will be one of the most worthy projects ever undertaken by the librarians in this country, and that its success is assured. [Applause.]

MR. COFFEY: Thank you very much, Mr. Hill.

Before we adjourn the morning session, Mr. Price wants to make another announcement.

PRESIDENT PRICE: We have a one man special committee to report on a very important job, Mr. Harold Bowen's Committee on the Law Libraries in the United States and Canada. Mr. Bowen.

### LAW LIBRARIES IN THE UNITED STATES AND CANADA— 1946<sup>1</sup>

HAROLD J. BOWEN

*Librarian of the New Haven County Law Library*

Mr. President, Ladies and Gentlemen of the convention: I am rather overwhelmed at the sudden thrust in popularity. I am perhaps like the recruit who went into the naval station and enlisted. They of course looked him over, and you know the way they fit you out very carefully. The fellow says, "five feet six," and tossed a blouse at him, trousers and a hat. When he dressed himself his hat fit on the top of his head and his blouse came down around his fingertips and he rolled up his trousers, and the Commander said: "Well, you are the saddest thing I ever looked at. You better go back and get fitted out."

He walked across the parade ground going back to the station, and he met an officer and passed him by, of course, and didn't recognize him. The officer said: "Come here. Don't you know me?" The recruit said: "No, I just got here this morning." The officer said: "See these shoulder straps, don't you?" He said: "Yes. You ain't got

no kick coming, look what they handed me."

Well, at the February meeting, Mr. Price asked me if I would take the chairmanship to compile this directory. I thought it was a very simple matter, and I said, in an unguarded and abstract moment, that I would. I thought it was something that could be done in three or four days at the most. Much to my surprise and chagrin, I found it couldn't, so I got 500 postcards printed and mailed them out to all the libraries on the 1942 list. We had a committee to assist, and I got valuable assistance from Miss McLaurin, Helen Newman and Miss Finley of Washington, and Miss Keller from New York, and Mary Lou Gallagher of the State of Washington. Then I had to get some more cards printed and I sent out about 700 myself and Mr. Price sent about 250. He got about 150 returned of the 250 he sent out, and I guess I had something like five or six hundred.

We had to have them in before June 1st for the Commerce Clearing House, which so generously offered to publish this as soon as they got the information. June 1st was the deadline, but unfortunately a great many cards came in after that, so if you find any names of librarians printed in brackets it was because the cards weren't in on time, and we had to take the 1942 listing.

We did not wish to leave anyone out and we hope we have not left anyone out. It was quite a hard task and if we made any errors we are sorry and we hope that you are satisfied. [Applause.]

PRESIDENT PRICE: I don't have to tell you how important and valuable it is to have this new list, especially after

<sup>1</sup> Published for the Association through the courtesy of the Commerce Clearing House, Chicago, Illinois.

four years, and we owe gratitude to the Committee accordingly.

Now, I announced this morning when we came in, that I am going to try to adjourn this meeting tomorrow about noon or one o'clock, and have only one session in the morning since so many are going home. Because of that I want to have the election of officers today while there is still a quorum to vote. I have appointed a committee of Tellers: Mr. Michael Pucher, Mr. Mercer Daniel, and Mr. Lionel Coen to conduct this election, and the polls will open immediately and will stay open until the resumption of the meeting this afternoon, which, come hell or high water, is going to start at 2:00 o'clock.

Only institutional, individual and life members are entitled to vote. Please come up and identify yourselves, get a ballot, deposit the ballot, and the Tellers will keep those ballots. They will sometime today hand me a sealed en-

velope with the decision of the voters in it which I will announce tomorrow.

I read this morning the report of the Nominating Committee. I wish to emphasize that you don't vote for Frances Lyon for the Executive Committee because she will not serve if elected. Vote for one person for President-elect; vote for one person for Secretary-Treasurer; and vote for three candidates out of five for Executive Committee members.

Anybody may nominate anyone from the floor at this time in addition to these, and also if you want to write anybody in, you can write him in on the ballot.

Are there any nominations from the floor for any of these officers? I hear no nominations and the election will now go forward.

The meeting is recessed until two o'clock this afternoon.

[The meeting recessed at twelve-forty-five o'clock.]

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#### TUESDAY AFTERNOON SESSION—JUNE 25, 1946

The meeting was called to order at two o'clock by Chairman Hobart R. Coffey.

CHAIRMAN COFFEY: We will proceed at once with our series of papers. We want to finish by four-thirty, if we can.

One of the papers scheduled for tomorrow has been put on this afternoon's

program. It is a paper on, "Legislative Histories," by Elizabeth Finley, who is Librarian of the law firm of Covington, Burling, Rublee, Acheson & Shorb, of Washington, D. C.

Miss Finley has some exhibits and we have asked her to speak from the platform here so she can have access to her material. Miss Finley.

## LEGISLATIVE HISTORIES

ELIZABETH FINLEY

*Librarian of Covington, Burling,  
Rublee, Acheson and Shorb  
Washington, D. C.*

Something new has been added to our profession, and whether we like it or not, it appears to be here to stay. I speak as the practicing lawyer's librarian. I admit my unfamiliarity with many of the theoretical aspects of the law. But from the practical angle, I assure you the most frequent request these days is "Can you give me the legislative history of this act."

I can remember back in the halcyon pre-new deal days (though I hate to admit it) when a lawyer never seemed to have any doubt about the meaning of a statute, and the courts never seemed to delve very deeply into Congressional intent. Those carefree days are gone forever, I am afraid. Beginning with the revolutionary idea of "caveat vendor" instead of "caveat emptor" in the Securities Act of 1933, lawyers and judges have more and more inquired into the background of a statute, apparently often with considerable incredulity that Congress could really mean what it said. I learned about legislative histories the hard way, and why my hair isn't gray I'll never know. I have not learned it all, by any means, and I hope after I have told you what I do know, you will fill in the gaps in a general discussion.

The need for us, as librarians, to know how to assemble a legislative history is obvious. You can hardly read an opinion of any federal court that does not refer to the legislative intent.

Practicing lawyers more and more investigate the history of an act before advising a client, even if there is no prospect of court proceedings. I know many of you are from university libraries, and you may feel that all this has no place in the cloistered halls of learning. But, before you turn your fledglings loose on a harsh world, I beg you to give them some idea of what they are going to meet. I have seen so many bright young graduates fumbling blindly and desperately over the problem of how to find out what the legislature meant when it said so and so. I believe it would be a good idea if all law schools required a comprehensive course in legal bibliography and the use of law books. One of my favorite stories is of a young man, fresh from a reputable law school, and probably somewhat flushed with his own importance, as young men so often are. He phoned the library and asked me if we had *Corpus Juris* and the *American Digest*. I assured him that we did. "Send them down, please," he said.

What, then, is a legislative history? It is, primarily, the committee hearings, the committee reports, the debates, and the various drafts of a bill in its passage through Congress. There are simple histories, where a bill is enacted within the span of one Congress, and without too much opposition, and the more complicated variety, where the bill crops up in Congress after Congress, and arouses a great deal of discussion both inside and outside of Congress. Let us consider the simple type first, and, for the sake of clarity, let us follow a bill's course through the Congress.

Here is a legislative history of the Philippine Trade Act of 1946. It is

what I call a "simple" history because it progressed from birth to maturity within the span of one Congress, the 79th. Congressman Bell introduced three similar bills on various dates between September 1945 and January 1946, all of which were referred to the House Committee on Ways and Means. During October and November of 1945 and February and March of 1946, the Committee held public hearings on the bills. After due consideration, the Committee reported out a "clean" bill, H. R. 5856, and submitted a written report, H. Report No. 1821. After only two days of debates, the House passed the bill, with amendments, on March 29th. The bill then went to the Senate, and was referred to the Senate Committee on Finance. Since the time of Philippine independence was drawing near, that Committee bestirred itself, and held hearings in April of 1946. (Quite frequently a committee will delay for months, or even years before considering a bill.) On April 10th, the Committee reported the bill, and submitted Senate Report No. 1145. Still moving with unusual speed, the Senate debated and passed the bill on April 12th, with its own amendments. The House and Senate versions then had to be reconciled, so both houses appointed conferees who ironed out the differences, and on April 17th submitted a conference report, House Report 1955. The Senate agreed to the conference report on April 17th, and the House on April 18th. The President signed the bill on April 30th, and our infant H. R. 5856 had made the grade. It became Public Law 371 of the 79th Congress.

All of this material should be in the legislative history. The printed hear-

ings of the two committees, the House, Senate and conference reports, the bills in the various stages, any amendments that may have been introduced (and printed) in either house, and the debates clipped from the Congressional Record.

In what I call a "complicated" history the material is the same, but there is more of it. Take for instance the Administrative Procedure bill, just approved by the President. In one form or another that bill has been kicking around Congress for ten years. It has advanced to various stages short of passage in five Congresses. Through those ten years there have been hearings, reports and debates, as well as bills. Besides that, almost every Bar Association in the country has, at one time or another, expressed itself for or against the idea. It is a law that is going to be of tremendous importance to all lawyers practicing before any federal agency. All of the ten years of material should be in the legislative history. A bill, of course, dies with the Congress in which it is introduced, but if the same idea passes later, there is no reason why the earlier reports and hearings will not help to interpret its meaning. There are times, too, when special committees have extensive hearings, not necessarily on the bill, but on the subject matter. These are usually investigating committees, and their hearings and reports are most important. On this Administrative Procedure bill, for instance, there were two special committees which made studies of the subject. The President's Committee on Administrative Management, in 1937, and the Attorney General's Committee on Administrative Procedure in 1940 and

1941. Their reports, studies and monographs are all part of the history.

The problem now is, how do we find all of this material? I have broken this problem down into two sections: (1) histories of current acts and (2) histories of past laws. The former are much the easier to compile, and stand a much better chance of being complete. Here is my system of compiling histories of current laws—and if there is a simpler method, I wish you would tell me about it.

First, and most important, I read the Congressional Record every day. "Read" is probably too strong a term, as no one could really read the Record, and keep his sanity. I should say I "scan" the Record. If a bill that I think is likely to be of some permanent interest is reported, I start a file on it. Since thousands of bills are introduced and never heard of again, I usually wait until a bill has come out of Committee. Into the file I put the bill, and all companion bills and related bills. Only one bill has a chance of passing, but the others embody some Congressman's idea at some stage. I add the Committee report and the hearings, and clip the debates from the Record. The pagination of the daily Record is not the same as that of the bound Record, and if you can find the time it is a wonderful idea to indicate the permanent edition pagination on your clipped pages. As the bill progresses I add each new form of the bill, amendments proposed, further reports, hearings and debates. When and if the bill becomes law the material is all there, ready to be indexed and bound. The committee reports are always cited in the Record, but the hearings are not. A committee

does not always hold hearings, though more often than not it does. The daily newspapers are a good guide to what is going on in the Committees, and there are various commercial services which aim to keep you advised. A check of the monthly catalog of the Government Printing Office will usually tell you when the hearings are in print. As a last resort, of course, you can ask the committee.

If you miss your guess on which bills are important and fail to start a file, you are still not necessarily lost, if you catch it soon enough. The House issues a daily cumulative calendar, with a subject index on Mondays, which will tell you where a bill that has been reported to either branch stands. It does not list bills until they have been reported. The committees also issue cumulative calendars periodically, which are invaluable, though rather difficult to obtain. The House calendar will not tell you about hearings—only reports and debates and passage. The committee calendars, on the other hand, will tell you what happened to the bill from the moment the committee received it. Bills are frequently referred to one or more departments of the government before the committee takes any action. The committee calendar will show such reference, and will also indicate the department's reply, if any.

But suppose you need a history of a statute that was passed ten years ago. And you probably will. Although the craze for legislative histories started with the New Deal, it is not confined to recent laws. Once judges and lawyers get an idea they are a tenacious tribe. They now want a history of every statute they consider—no matter how

ancient or how obscure. Of course your library has not compiled histories from way back when—what to do?

That is when you really sweat it out. You start with the bound Record, this time. If the statute is recent enough, you can get the bill number from the Statutes at Large. If you only have the popular name of the statute you can, of course, find the citation from Shepard's popular name index or from the U.S.C.A. popular name index. Armed with the bill number you go to the Record index for the appropriate Congress. The index will give you the report numbers and page references to the debates. The bills themselves will be unobtainable, so you may as well be firm about that. If you are a depository library you will have the reports—probably. The reports will frequently mention hearings—if hearings were held. The hearings, again, are the difficulty. Not every bill has hearings, or if there were hearings, they may have been on predecessor bills. The House and Senate libraries have published indexes to hearings in their libraries which are most useful. The Senate index is in two volumes and is up to January, 1941. The House index, in one volume, is up to January, 1943. Since these are only indexes to hearings in the libraries, the lack of an entry does not necessarily prove there was no hearing. But it is about as close as you can get. The daily edition of the Record will probably be out of print, and, unless you are willing to mutilate a bound volume by clipping it, you will not be able to include the debates in your history. But if you include the page references to the Record in your index to the history,

you will have eased the research problem.

Other aids to tracing the histories of past acts are the CCH Congressional Index Service, the Legislative Reference Digest of the Library of Congress, and, of course, the Congressional Record Index. All of these confine themselves to one Congress only. None of these is perfect, but by putting them all together you will add up to a reasonably accurate picture. The real difficulty about these histories of past laws is that even if you have the citations to all the material you need, you will be unable to find most of it. Committee reports and hearings go out of print in a very few years.

I have confined my remarks to histories of federal laws. Although lawyers would like to have the legislative history of state laws too, so far as I know there is no comparable material for the states. The only one with which I am really familiar is New York, and there I know there are no regular committee reports, or reports of hearings or record of debates. Perhaps the situation is different in other states.

This, then, is our problem. To find and collect legislative histories for lawyers and judges who rely on them for interpretation of the law. The problem has been recognized by the Law Librarians' Society of Washington, D. C., a chapter of the A.A.L.L. Mrs. Margaret James of the Department of Justice is Chairman of a committee which is compiling a union list of legislative histories in the District of Columbia. I have a copy of her preliminary draft, if any of you are interested in seeing it. The Legislative Reference Group of the Washington chapter of

the Special Libraries Association has recently appointed a committee to study methods and procedures on the same subject. I think a similar committee of this Association might be well worth considering. We, as librarians, will have to produce legislative histories. Any help we can give each other will be a real contribution to the profession. [Applause.]

CHAIRMAN COFFEY: Thank you very much, Miss Finley. Mr. Fiordalisi, do you have any comments?

MR. FIORDALISI: I don't have any comment; I think Miss Finley covered it very well. As far as the CCH service is concerned, I suggested some improvements to Miss Blender. She has made a note, and I think possibly we will find that they will be able to improve their service, at least by adding references to the hearings, which will greatly facilitate our efforts to find them. The indexes to printed hearings published by the House and Senate libraries are authoritative as far as they go. We find if a hearing is not listed there we might as well forget about it, because nobody else will have it.

I really don't have any other comment to add except we find legislative histories are absolutely indispensable and we, at the Library of the Supreme Court, have complete histories of all of the Revenue Acts, and a good number of the other major acts passed in the last five or six years.

For previous years we have a card file of approximately 200 cards. On each card we indicate the title of the bill, statute citation and date, original bill number, report numbers, and whether there were hearings held; and on the back of the card we note the page on

which the debates appear in the Congressional Record. These will, of course, be part of the union list that Mrs. James is working on.

There isn't much else to add to Miss Finley's remarks, except to repeat that legislative histories are indispensable, and you will probably find you will be asked for them more and more, as time goes on.

CHAIRMAN COFFEY: Any other remarks or comments?

To me, it was one of the most interesting papers we have had.

MR. POLDERVAART: One thought occurs to me in connection with State legislation. I think all of us who are in State Law Libraries of any kind have had the experience, whether a judge or a lawyer, of needing the legislative history of a state law. As part of that we want to know where that particular bit of legislation came from. In other words, we are trying to find the source—was this particular act borrowed from another state? The problem is for the librarian to trace the act and see if it compares with similar legislation of other states. In due course, you may find an act of another state reading the same, and find that it predates the act of the state in question, creating the presumption that that is where your statute originated.

If you have several states, however, the question is open; but in order to arrive at and adopt the judicial interpretation which may have been placed on a particular act in the State of Oregon, for instance, it does become important sometimes to find out.

I am just wondering whether any states have had any experience in simplifying that problem, because it con-

sumes a great deal of time in the library in tracing that history.

CHAIRMAN COFFEY: Does anyone have any suggestions to aid Mr. Poldervaart?

MR. COEN (New York Law Institute): I don't know about aiding Mr. Poldervaart, but in New York State the Citizens' Union recently put out a mimeographed list telling you, as far as major legislation is concerned, the source of that legislation in New York State; also informing you what committees of private associations had made reports on that legislation.

Frequently those reports, such as the State Legislation Committees of the Association of the Bar and of the New York County Lawyers' Association will indicate the legislative history, or at least give their interpretation of the legislative history, even though those reports are not official.

CHAIRMAN COFFEY: That is surely very helpful for the State of New York.

MR. FIORDALISI: In New York I understand there is a Law Revision Commission which, at times, proposes law, states their reasons for their recommendations, and gives a historical background. There is also a Judicial Council which suggests judicial improvement in an annual report.

MR. COEN: Most states have judicial councils now.

MR. FIORDALISI: Well, I didn't think most of the other states used the same system; of course, I haven't examined them all. I know that New York has quite an elaborate system, and in some of the Law Revision Commission studies they consider similar laws of other states and examine them all very carefully before making a recommen-

dation.

MISS FINLEY: I am, of course, familiar with the reports of the Law Revision Commission and the Judicial Council in New York. They are most helpful for the laws they cover. The difficulty is that they do not report on all of the laws passed by the Legislature, and they are not the official expression of the legislators.

CHAIRMAN COFFEY: Are there any other comments or suggestions?

If not, then, we will pass on to the next paper.

The subject of the next paper is, "Book Selection, in Bar Association Libraries," by Lionel Coen, Reference Librarian, New York Institute.

## BOOK SELECTION IN BAR ASSOCIATION LIBRARIES

LIONEL J. COEN

*Reference Assistant of the New York Law Institute*

Book selection for any library rests squarely on a foundation of understanding of the library's aims and a knowledge of its users needs. Familiarity with the existing resources of the library and comprehensive information as to other sources from which materials may be secured are also essential. Bar libraries are unique in that they are cooperative organizations designed primarily to answer the everyday needs of the practicing attorney. They may vary from place to place as to the purchase of specific items; but a close examination will show that they do not differentiate very much in the kind of books they buy.

The basic book collections of law libraries, both bar and university, of com-

parable size, in a given community, will be the same. The major bulk of the books will be reports, statutes, digests, citators and encyclopedias. The change in emphasis will be apparent only in the selection of treatises, services, and correlated materials. I shall, therefore, confine myself to the selection of material in these latter classes.

The bar library caters primarily to practicing attorneys who are concerned with the matter of fact work-a-day business of practicing law, such as trying cases and advising clients. They are not concerned with jurisprudence or the study of the law *per se*. Their problems are the preparation of a particular set of papers, the writing of a brief or preparation for trial.

Book selection in a bar library is, therefore, primarily concerned with building a collection which will help the attorney to prepare memoranda of law and successfully prepare cases for trial.

Since the users of bar libraries are active practitioners, concerned not so much with the state of the law but with the application of the law to a specific case, their first problem is—"How do I go about doing it?" Whatever the "it" may happen to be. Practice books and manuals, form books and the like are one of the first requirements of a bar library. Not only are they necessary for local state practice and federal practice, but the larger library will seek to provide such books for other jurisdictions as well, both foreign and domestic.

It will be necessary to buy not only the large exhaustive books on general legal topics, but also the small single volume works on minute phases of those topics. For example, Heaton's

*Surrogates' Practice* may answer some problems for the New York lawyer, but it is necessary to provide the practitioner with Beechler on *Section 18 of the Decedents' Estate Law*, and Dodge & Sullivan on *Estate Administration* and Harris' *Estate Practice Guide* as well. Another illustration is that of the trial attorney looking for some active help, Schweitzer's *Trial Guide* and Schwartz's *Trial of an Automobile Accident Case*, Spellman's *How to Prove a Prima Facie Case* and others of that character will be put to active use by him and are essential books for any bar library.

The young lawyer with limited experience is not the only one who will seek these aids. Older practitioners, whose practice is mainly in other fields, will also need to refer to such publications. In fact, it is more likely to be the older attorney, who will seek the book limited to his own specific problem no matter how limited the problem be. The younger attorney will want the background material to provide him with a general understanding of the law. The older man already possesses this knowledge. He is looking for something that will tell him what the effect is of the comma in a particular sentence, or some other fine point to interpret intent of the law or a legal opinion.

The request in a bar library is generally not "What have you on corporations," but specifically, "What do you have on the power of a director to vote himself a bonus." In keeping with this demand for books on the minutia of the law, some one once said that apparently the trend is to publish "more and more on less and less" as time goes on.

Certainly the bar librarian wishes the trend to continue.

In large cosmopolitan centers, where the need for knowing the foreign practice is likely to arise, bar librarians will attempt to provide their users with the leading works in other jurisdictions. In particular, local practice books of adjoining jurisdictions. It goes without saying that it will also be necessary to purchase foreign reports and statutes in anticipation of the demand.

Coupled with the demand for books on specific topics is the demand for up to the minute material. Lawyers are always looking for the case decided yesterday in the highest court of the state "on all fours" with their own; or current legislative changes of basic law and practice procedure.

The loose-leaf services answer many of those requests. Bar libraries seek to provide their members with as many of such services as budget allotments permit. It is an exception when a university law library will purchase Pike & Fisher's O.P.A. Service, yet many bar libraries found this work indispensable. It serves no purpose to tell a lawyer the regulations are all in the Federal Register. He is in far too much of a hurry for that. His client called him that morning at 9:30 and wanted to know whether his particular piece of metal goods came under the machined tool regulation or the metal parts regulation. He wants an answer by noon. If one depended on the Federal Register it would take until noon or later to locate the two regulations, check to find out whether or not they had been amended with no time left to analyze the material.

The pressure on attorneys for speed

and up-to-dateness is a very real one. He must meet his clients, look up the law, write briefs and try cases. Frequently, all in one day. That pressure in turn is transferred to the bar association librarian. He must anticipate the demand. We have all heard of the attorney who lost his case because his opponent flashed an advance sheet before the court, which persuaded the court adversely.

Services provide one means for keeping abreast of the current trend and provide short cuts in research. This means a tremendous saving in time.

There is still one more phase of practice that I have not touched on. Law, as you are well aware, touches on every branch of knowledge. Today the attorney will be looking up a problem in chemical patents, tomorrow an engineering problem. Next week he will be trying an accident case involving personal injuries and a knowledge of medical terms. Further, even before the Supreme Court discovered the "economic facts of life," practicing lawyers were aware that law was one of many social sciences and arts and that all of these sciences and arts were interdependent. It was often the lawyer's task to weave these related sciences into one related whole, so that society through its government and courts could act. To do that lawyers need more than just law books or even books on political science. The bar association library must provide him with these peripheral materials. Books on medicine, chemistry, economics, history, accounting, political science and other subjects. The law school library for most part avoids this problem, by properly pointing out that these materials are supplied by

other libraries on the campus, accessible to the student, and that the occasional calls for such books does not warrant such duplication in the law library. So too, the bar libraries in large communities, with all the public and specialized libraries on tap, can also afford to direct their users elsewhere for the highly specialized non-legal material. They will, however, find it necessary to get the basic books in all of these fields and many more; simply because the demand in a bar library will warrant the expenditure of the usually limited funds on these books. Books on forensic medicine, dentistry and pharmacy—Books on trauma; the relation between injury and disease; medical dictionaries and directories, anatomy, a good pharmacopoeia. All these will be asked for again and again by attorneys involved in personal injury actions or criminal law.

Attorneys for banks, business houses or trustees will want the basic business reference books. Moody's and Poors, Thomas's register and the similar services.

The list is almost endless, but, the bar librarian, within the limits of his funds, must make as many of these available as he possibly can; either through purchase or through cooperation with other nearby libraries who do have the services. These must be nearby sources, for the lawyer is working under pressure of time and cannot afford to be chasing around looking for the material.

There is one factor in book selection for a bar association library that is implicit in all of the foregoing. Unlike university or school libraries, in most bar libraries, the ultimate responsibility for the selection of books rests not with

the librarian, but with the library committee or some similar body. Since the committees, themselves, are either composed of specialists or are privileged to call on other association members, help is readily available for decisions on highly technical materials. The librarian's duty is to separate the wheat from the chaff and to make his recommendations to the committee. He must, however, keep in mind the predilections of his committee for practicality. Therefore, the first thing a bar librarian judges in considering a particular book is: "Will it be used?" He is not so much concerned with having a complete collection as a useful collection. Budgetary considerations being what they are, he is concerned more with buying the everyday work tools than with seeking out every work on legal history and philosophy as one university librarian said he did. The outstanding classics will be purchased in those fields, true, if there is money for them, but that is all. On the other hand, he will buy as many form books, practice books, manuals, etc., whether they are good or indifferent, whether elementary or advanced, as he possibly can. Horowitz's *Lawyers' Manual* is by no means a classic. It doesn't add an iota to one's knowledge of law, but in a New York bar library it will get ten times the use Von Ihering's *Philosophy of the Law* will get.

The point I'm making is this. In a bar library the histories and philosophies and general legal classics are luxuries. They are nice to have if one can afford them. However, if in order to purchase them, one must sacrifice a needed everyday tool, the classic will not be purchased regardless of its recognized

importance as legal literature. [Applause.]

CHAIRMAN COFFEY: I think Miss Newman has promised to comment on this most interesting paper.

If you will come forward, Miss Newman.

MISS HELEN NEWMAN: Mr. Chairman, Mr. Coen, and Members of the Association: I think Mr. Coen has given us an excellent and informative paper. I was particularly interested in the opening sentence in which he said that book selection depends, in every library, upon the users' needs in that particular library.

I was also extremely interested in his statement that his bar library purchased books other than law books in the fields of economics, history, accounting, political science, and other subjects. I might say in the Supreme Court Library, we have purchased numerous reference books in these fields, and many textbooks and treatises. I believe Mr. Coen will be interested in knowing, as perhaps you others will, that the Supreme Court Library has recently placed an order for local practice books for all of the states.

Through the help of many of you good people we have been able to compile a list of practice books used in each state. I sent out a form letter and you all responded to it, and these answers have been a great help to us.

Mr. Coen stated, and rightly so, that books on history and philosophy, and the general legal classics are luxuries. In the Supreme Court Library these are essentials.

In a paper which I wrote a few months ago, and copies of which have been printed by the West Publishing

Company, through the courtesy of Harvey Reid and Henry Brandt, I have pointed out these various classes of material dealing with constitutional history and the legal and political philosophy of this country. In fact, I considered myself very lucky about two weeks ago when Miles Price talked to me and asked me to prepare a formal paper, and I was able to say to him: "I have already prepared a paper which Mr. Brandt is going to bring to the meeting for distribution to the members."<sup>1</sup>

The copies are there on the piano and you may get them after the meeting. I will not, because of the short time allowed, attempt to read this article of mine to you, but I do want to say this: the title of it is, "A Law Librarian Talks Shop with the Lawyer-Veterans."

I wrote this article for the veterans, but principally for the veterans of our Law Library Association, men like Oscar Orman and Samuel Thorne and Stanley West and Bonnie (Druker), and our good friend Thurman Morey of Prentice-Hall.

I just want to read one paragraph which I wrote to the veterans and which is a favorite passage of mine, from Mr. Justice Holmes. It is this and it is from Mr. Justice Holmes', "The Soldier's Faith":

"Who is there who would not like to be thought a gentleman? Yet what has that name been built on but the soldier's choice of honor rather than life? . . . Most men who know battle know the

<sup>1</sup> Newman, *A Law Librarian Talks Shop with the Lawyer-Veterans: A Discussion of Late Law Books with Special Emphasis on the War Years, 1939-1945, Together with a Subject Guide*, (1946) West Publishing Company. A few copies of this article are still available and may be obtained by writing to Miss Newman at the Library of the Supreme Court of the United States, Washington, D. C.

cynic force with which the thoughts of common-sense will assail them in times of stress; but they know that in their greatest moments faith has trampled these thoughts under foot."<sup>2</sup>

In this little paper of mine I have referred to the splendid lists compiled by the late Helen Moylan and Mrs. Bernita Long Davies, and the one compiled by Kirsten Sartz, and Joseph L. Andrews of the Association of the Bar, which was published in the November 1944 number of the *Law Library Journal*.

To my article, I have appended a list of books, and I want now to call attention to a very fine article entitled, "Legal Research," by Sidney Hill and Carroll Moreland. To that article there is also appended a list.<sup>3</sup>

When Fred Rodell reads these lists, Sidney Hill and Carroll Moreland and Helen Newman, we must all stand together, because as you remember Professor Rodell in an article in the September 1945 number of the *Yale Law Journal*, criticized the Harvard list of books. He concluded by saying: "Any fool can learn to use a library." I felt that was a challenge to us and to all members of the Association. I do feel that these lists of Sidney's and Carroll's and mine, while not complete and perfect, may be of some assistance to the veterans and to the law librarians.

After the meeting, if you will, get your copy—and remember you are indebted to Harvey Reid and Lafe Mercer and Henry Brandt of the West Publishing Company for the printing of this

<sup>2</sup> Holmes, *Speeches* (Boston, Little, Brown, and Company 1934), pp. 58-59. Excerpts from this speech also appeared in an article in (1943) 27 *Fortune*, p. 99.

<sup>3</sup> Hill, Sidney B. and Moreland, Carroll, C., *Legal Research*, (1946) Practising Law Institute, New York City. Appendix B (pages 85-114) contains a Bibliography.

article and list.

Thank you. [Applause.]

CHAIRMAN COFFEY: Thank you very much, Miss Newman.

Now, I am sure that some of the rest of you will have comments on this general subject of book selection. It has been our intention to have someone from a law school library and someone from another type of library read papers on the same subject, but as happened with so many of our other plans, it just didn't quite work out.

Are there some more comments?

MR. MARKE: Being assistant law librarian in a university law library, the subject of book selection is approached quite differently from that in the bar associations. For example, as is true of most law schools throughout the country at present, quite a few returning veterans are using the various books that they are required to use in their subjects.

Now, one of the main goals in book selection in a law school is to obtain enough copies of a book in which they are interested, and which they are required to use in their studies. Therefore, you will find that in judging your appropriation for the year, you will consider how many copies of Williston on Contracts you can purchase instead of trying to get a new book on a new subject, which may not be of much help to a law student.

In addition, we try to help our graduate students as well. They often haven't a library to refer to; they don't belong to the Association of the Bar, and often come back to the Alma Mater to get books they need in their practice.

We must also take care of the needs of our professors who are constantly

doing research work of their own. They are, as a matter of fact, public men in the public field taking care of important problems. Dean Vanderbilt of our law school is well known throughout the country as the former President of the American Bar Association. He is doing work in Washington on the Advisory Committee on Military Justice, and he is interested in obtaining quite a bit of material on this subject. The law librarian in selecting material must be familiar with the needs of his own faculty and especially those of the Dean.

Another goal in book selection, I believe, for most law school libraries is that of getting as much reference material as possible. Right now we are interested in filling up our gaps in Bar Association Reports and other serials especially of our English publications which we never were fortunate enough to have sufficient money to purchase in the past. We now realize the significance of having all this material available and do attempt to use our present budget allowance in building up such a collection.

In many respects our problems are very similar to those of bar associations in that we do take care of a practical need right now in the law schools. Especially in New York University Law School an attempt is being made to make the embryo lawyer, the student, familiar with what he is going to be confronted with when in the field of practice.

We attempt to make him interested in court procedure. We have moot court practice. Therefore, we must get books or manuals pertaining to actual practice of law; how to draw up your brief; how to prepare your complaint;

how to talk to your judge; how to speak to your jury. Those are actual problems that exist daily in a law school at present, and we must have material available to act as a guide for our students in studying.

At New York University now, each student is required to submit two law notes before he can be graduated. This is something new and entails research and they are constantly looking for new subjects to discuss in these notes, and it is natural for the law librarian in selecting his material for the library, to be familiar with their needs and what they are seeking.

CHAIRMAN COFFEY: Thank you very much, Mr. Marke. That was a very interesting comment on this.

Any other comments or remarks on the general subject of book selection?

I fear this morning in attempting to push through the program to what I regarded as a successful conclusion; that is, covering all the papers scheduled, I unduly shut off discussion at a number of points, and I am very sorry about that.

One of those related to Mr. Poldervaart's paper. Mrs. Mary Stevens, the Librarian of the Supreme Court Library of the Territory of Hawaii wishes to make a suggestion.

Mrs. Stevens.

MRS. STEVENS: The only comment I had to make was on the matter of Exchanges. They have been so valuable, you know, to nearly all the libraries.

Now, I found in the past, by reading the *Publishers Weekly*, that a great deal of valuable material can be gotten that way and I, therefore, make the suggestion that the matter could possibly be worked out with the *Law Library*

*Journal* so that the library wanting material would pay a certain sum to have a list of its wants published in the *Journal*. Similarly the library with duplicates could also publish its lists there, and the library obtaining them could pay a small sum for the items received.

I think that publication of the lists would get the attention of more libraries, and would also do away with the difficulty mentioned this morning of the fact that when they are sold to a second-hand dealer you have to pull out all those slips. When they are sold or exchanged this way, and the material is gone, then the ad is not continued.

CHAIRMAN COFFEY: Thank you very much, Mrs. Stevens.

Now, will someone here who has had connection with the *Law Library Journal* tell us whether this proposal is feasible or not? Is it too expensive? I have not had any connection whatever with the financial end of the *Journal*.

MR. LAURIE RIGGS: Miss Newman ought to know something about that.

MISS NEWMAN: Mr. Chairman, we had previously published the wants on the back page of each issue of the *Journal*, but we only allowed one page so, of course, it would be impossible for everyone to list their wants and duplicates.

Perhaps, now, the *Journal* finances would permit two or three pages.

CHAIRMAN COFFEY: Did those who have material to offer, pay for the announcements?

MISS NEWMAN: No; it was listed free for members.

CHAIRMAN COFFEY: Well, at least Miss Newman thinks that it is not out

of the question that this might be done again or might even be expanded. I think that is an excellent suggestion.

Anyone else have anything to say?

MISS CUSHING: I know several of us were speaking after I made my announcement today of the California material I had on hand. We were talking that same subject over and we also felt that the *Journal* could do a great deal of good.

It might be that just a mimeographed list put in the *Journal* as it went out would save the printing cost, instead of having it printed as a part of the *Journal*. You can save up your material and send it in in time for the issue that is coming out. We felt, just as I felt with my collection, there are so many duplicates that it would take me hours to make out those separate cards for each one, but we will be glad to let anybody know what we have. We could make one list and send it to a central agency to distribute it, and the *Journal* would be one of the best ways of getting that material out.

CHAIRMAN COFFEY: Thank you, Miss Cushing. I am not sure that mimeographed material can be enclosed with a periodical and get our second-class mailing rates, but someone else will know better than I.<sup>1</sup>

MR. FIORDALISI: A participating library could pay a small fee in order to become an exchange member and either the regular advertising rate could be paid to the *Law Library Journal* for the use of the page, or the Executive Secretary might be given the task of seeing that these lists are distributed to the members themselves.

<sup>1</sup>The Post Office Department does not allow such enclosures under a second-class mailing permit. Editor's note.

CHAIRMAN COFFEY: Well, that seems possible. At least that is something that the Executive Committee, if it appoints a committee to look into this problem of exchanges or selects a library to do it, might very well consider.

Are there any suggestions on this point?

MR. WILLIAM JOHNSTON: I was surprised to talk to Mr. Poldervaart here at noontime, and he said he probably had 5,000 exchanges. Did I understand that there was that volume of business going through the office in a year?

CHAIRMAN COFFEY: Did you mean 5,000 volumes or 5,000 pieces?

MR. POLDERVAART: 5,000 exchanges.

MR. JOHNSTON: Now, that is extraordinary. I only had one or two. I think I wanted something in the shape of an early session law, and Arie wanted something from me, and I forgot whether I had it or not, but we got together and made the deal, and whatever had to be paid was paid. That is my only contact, and that is only one of 5,000.

The people in this room don't understand what Arie has succeeded in doing for us. The trouble is that it is too big a job and he has got too much else to do, and I understand he is resigning for that purpose, and for that purpose only. It is not because his heart isn't in it.

Now, don't think an Exchange is something very unusual. All the papers are full of all kinds of exchanges, but you never see an exchange of law books in the newspapers. It is extremely important work and it will help us all. Arie has got to quit because of the pressure of other work, and somebody ought to be found to take his place

and carry on the work.

CHAIRMAN COFFEY: Thank you, Mr. Johnston.

Are there any other comments on this or Mrs. Stevens' proposition?

MR. McNABB: If the matter is taken up as to establishing a permanent exchange on some sort of basis, I can speak for my library by saying that a small service charge of five or ten dollars a year, or whatever would be considered appropriate, would be highly acceptable and would be preferable to the service charge we are now making of ten cents for each item.

I think I can go on record as approving any arrangement as might be made, and possibly every one else here would be of the same notion.

CHAIRMAN COFFEY: Thank you very much.

MR. WILLIAM JOHNSTON: Is it your idea, Mac, that every library ought to be willing to pay \$5.00 to the proper source every year for the privilege of sitting in and keeping this Exchange going, and paying whatever has to be paid when the exchange is actually effected?

MR. McNABB: I am in favor of paying on an annual basis rather than to pay a service charge for each item for so low as ten cents. It is a nuisance to pay a ten cent bill, especially when you have to run it through a large organization. My reaction was that I think almost every library here is in need of some exchanging.

I know we have a terrific amount of material, and we have a lot of holes in our collection that we would like to fill up. It is difficult to make contact with the right person. If we could make an easy contact on an easy basis as outlined by Mr. Poldervaart, and do it

without the invoice for each transaction, I think we would come out a good deal better. I would like to put myself on record for my library as approving any arrangement which any committee might make for that purpose.

MR. CARROLL MORELAND: May I interject what I think? Perhaps if you pay \$5.00 you are much more likely to take advantage of the opportunity to exchange.

CHAIRMAN COFFEY: Very good.

MR. POLDERAART: I want to make one thing clear. During the last year I haven't even attempted to collect those ten cent service charges.

As I said this morning it was a choice of not doing anything or trying to mail out the slips, so I mailed out the slips and I didn't try to keep a record of how many of those went out. The 5,000-figure is an estimate.

Is there anyone here from the Indiana University Law School, Evening Division? They had quite a large number of exchanges, the largest of any individual library, and I thought they might mention some value they found.

MR. MICHAEL S. PUCHER: Mr. Chairman, the idea is satisfactory as far as I am concerned, but I think they are going to run into difficulty with the librarians in the State of New York. Under the law of the State of New York, the library is not allowed to pay any fee for any advertising or exchanging.

CHAIRMAN COFFEY: Are there any other remarks?

The next paper scheduled is my own, and I have to preface it with sort of an apology.

When Mr. Price and I first began writing about this program, I suggested

to him that we devote an hour or two to discussion of some of the ordinary work-a-day problems that beset every law librarian; and that was our original plan, but unfortunately we began to work on it so late that again it didn't quite work out, and the topic that I suggested is a very humble one, and I have no thought that I am going to tell you anything that you don't know at all, but I know that if Mr. Price were here, it would be a provocative paper because I know he does not agree with me at all.

Unfortunately, Mr. Price is laid up with a cold, and I hope somebody else will tell me what they think about some of the points that I suggest here.

[Mr. Coffey thereupon read his prepared paper as follows.]

### NON-PROFESSIONAL OR SUB- PROFESSIONAL WORK IN LAW LIBRARIES

HOBART R. COFFEY

*Law Librarian of the University of Michigan*

Among the other things that one can say about library work is that it is bound to be made up of duties varying widely in character. Some of the duties that law librarians and their assistants perform involve the exercise of the highest faculties and call for the most thorough kind of training and experience. Other duties call for no profound knowledge of the law and little, if any, knowledge of library science. In a small library where one or two people have to do everything, it goes without saying that part of the librarian's time must be spent on jobs which are purely clerical or even janitorial. This is probably inevitable, but inevitable or not, it

is wasteful and inefficient. It is not only wasteful in money but it is a waste of talent and human materials.

The ratio of these non-professional or sub-professional operations must vary, of course, from library to library. At Michigan, which is the institution I know most about, the share of the work which requires no formal library science training and little knowledge of law is at least a third of the total work. I suspect that a careful analysis of each job might show that the total work which could be performed by people not professionally trained would be close to one half.

Far from being annoyed or disturbed by having to perform duties below their proper level of competence, many library employees if left to their own devices actually seem to gravitate to the lower level. All too many are content, even happy, in snipping and pasting or running errands. This might not be too serious if there were enough trained lawyers and technically trained library workers to go round. In times of shortage, like the present, the library administrator has to see to it that the most competent people are given work which no one else could do quite so well, and that other help is found for the simpler operations.

Among the many library jobs which can be satisfactorily performed by intelligent persons without formal technical training is collating. I am told that many libraries do not bother to collate their books when received, or even when they are being re-bound. Some do, however, and in these much of the collating can be done by people in the non-professional group. The same is

true of preparation of books for the bindery if the work is revised; taking care of loose-leaf services, typing catalog cards, plating and stamping and labeling, arrangement of records and briefs, preparing vouchers, mending, and shelving. I should add to this list reference and circulation work in the reading-room.

It is my belief that if library jobs could be analyzed with greater care we should all find that much that we have been doing could be done just about as well by employees in the lower salary ranges; and that ultimately we might raise professional salaries without much of an increase in the total budget.

At Michigan, we recruit non-professional workers from the group of faculty wives, wives of students, and from the general body of students. The most fertile recruiting ground in Ann Arbor is the student body. Many men need to earn a share of their living expenses and some, though not all by any means, prefer library work to such jobs as waiting table and washing dishes. Some people, on the other hand, actually prefer waiting table, because they say they lose less time on such a job. Further, they do not need to use their minds while washing dishes, whereas library work, even the lower levels, requires some thought! However that may be, in normal times we usually have a good list of applicants. During the depression the list was very large. During the war we had to go out and beg people to work for us, and even then we were often short of help. Today applications seem just about to keep pace with our needs.

### **Classes From Which Non-professional Help Can Be Recruited**

In general we try to hire students who are headed for the law school, and who have a year or two still to go in college. If such students are successful with us we then have a prospect of keeping them for four or five years, and thus getting some dividends from the time we have spent on them. Seldom do we hire a man in his junior or senior year in law school—we shall not have him long enough to get dividends on our investment.

Financial need has never been our criterion in choosing student employees. While it is true that the man who is entirely on his own and who has to earn his whole way through school makes the strongest appeal, he is in practice our poorest bet. He is too likely to drop out of school or fold up just when we need him the worst. Our best chance is with a man who has an assured income covering all but about one quarter of his annual expenses. His need will be just great enough to induce him to stick to his job—but not great enough to induce him to drop school altogether, or take the next good job that is offered him.

Incidentally, in the old days we never employed women students. During the war we were forced to hire girls, some of them in high school. To our amazement they worked out very well, and were just as satisfactory as the men we had had before. Some of them even seemed to have something on the men in the matter of a sense of responsibility. Of late, however, we have had few women applicants, and we are drifting back to an almost all male student staff.

At the present time most students are going through school under the G. I. Bill and the number seeking employment is not large. Undoubtedly this situation will change and we shall again have a large group from which we can pick the best men.

Among the things we look for when we pick a man is high intelligence and good scholarship. Unless a man has good prospects of remaining in school we won't take a chance.

Another thing we look for is dependability. Unless a man takes his obligations seriously and feels a sense of responsibility to the institution we cannot use him. Of course, we run some risk when we hire any new person, but by and large we have been quite successful in picking men who have made good not only in the library but in the law school and later in practice. We can already point to a group of men who have achieved some distinction in the practice and on the bench, men who got their start with us.

One idea that we have in catching men early in their pre-law course is to give those men training in various departments of the library, so that when they reach their last year in law school we can use them at the reference desk. In practice we cannot always give a man the exact sort of training that we should prefer. In theory we like to start training a man by having him shelve books in the reading-room. In this way he learns something about the conventional sources—the statutes, decisions, citators, form books, etc. When he has had that job for a semester we put him in the stacks shelving English and American treatises and periodicals. Later we let him shelve in international

and foreign law. When possible we try to give him some experience in the order department and some experience in filing cards in the public catalog. We also like to give a man experience in checking the offices and carrels so that he comes to know the kinds of material a particular man is likely to be using. With this preliminary training, plus two years of law work, a man can do a very acceptable job at the reference desk.

One of our most difficult jobs at Michigan has been to recruit the right sort of permanent help for the reference department. With us, reference and circulation go together. Much of a reference assistant's time is spent in handing out law reviews and student treatises. Perhaps a fourth of the time may be spent in answering reference questions which demand some knowledge of the law and some knowledge of library science—or at least, some knowledge of our own library resources. Most law graduates and most technically trained librarians would be unwilling to remain in this sort of job over a long period, and if they were willing we should probably be unable to pay them enough to hold them. Our solution—not a perfect one, by any means—has been to have on the reference staff one trained lawyer, another person with technical library training, and a number of student assistants who have grown up with us and who actually know a great deal about our collection, a great deal about how to find things without having had formal instruction in library science.

You may be interested in knowing something about our wage scale for part time help. During the depression it dropped as low as 37 cents an hour

for a few people. When war broke out most students were getting fifty or fifty-five cents an hour. Today the minimum rate is sixty-five cents, with the scale running from sixty-five cents to a dollar an hour. I am trying hard to get the average wage up to the level of the janitors who make ninety cents an hour, but it has not been easy to persuade the authorities in an educational institution that intelligence should be paid for. We have, however, made a little progress.

Our part time workers on an hourly basis enjoy no sick leave allowances, and no vacations with pay unless they work half time, which with us means 19 1/2 hours a week. Since most students do not work continuously throughout the year, few ever become eligible for vacation allowances.

The standard working week for students at the moment seems to be about 14 hours, though some work even less. Just a few years ago the standard part time week was 20 hours, with a few students working as much as 25 hours. Today no one seems to feel that he can put in so much time. Whether students are lazier than formerly or the law school work is getting harder I cannot say, but it is certain that students now insist on working a shorter schedule. This means more trouble for the rest of us, of course.

For eighty cents an hour we might, if we were lucky, secure a permanent full time graduate of a school of library science, but such a person would know nothing of law, and nothing about our collection. We can use such a person in a beginning cataloging position and for some phases of order work, but for many other jobs we can get far more

for our money by employing a student who has had some law training plus a year or two of practical experience in our library. All told, about a third of our total salary budget is allocated to part time help by the hour.

There are admittedly real disadvantages in employing part time help of any sort, and real draw-backs to the employment of students. Considerable time is spent in interviewing applicants, and even more is spent instructing them and supervising their work, especially when they first start. Part time help requires double or triple office and desk space. Often there is time lost at the beginning or end of the hour when a student enters or leaves. Frequently at our busiest season—examination time—a student employee will want to take time off. It is hard to refuse him when we know that his whole future depends on his doing well in his examinations. In normal times when summer vacation comes the students are likely to pack up and leave us. All leave us at the end of their law school course. The turnover is an annoyance and measurably cuts down the efficiency of the staff.

Against these disadvantages we must place what seem to us certain important things on the credit side. In students we get high intelligence—far higher than we should get in the average library school graduate, and immeasurably higher than we should get from the clerical field. We also get youthful energy which is a most important asset. Some of our students at seventy cents an hour do twice as much work as our janitors at ninety. It must be remembered that a lot of library work is really high class janitorial work—shifting

books, for example, which we seem to do every few weeks or months.

Another advantage in employing students is easy availability. Professionally trained lawyers for law library work are almost unobtainable except for a very few of the more highly paid positions. Technically trained librarians are also hard to come by. When we are unfortunate enough to have a vacancy we may have an unfilled position for weeks or even months. The supply of student help never completely fails. We seem always to be able to reach out and pull in someone who will do a reasonably acceptable job.

I should have mentioned earlier that one key to success in employing students is for the librarian to be able to do his own picking and choosing. At Michigan we have no library assistantships which are in the nature of student aid projects or prizes. Student help will not be very satisfactory in the long run if someone outside the library does the hiring.

We employ students on a regular business basis, and pay them the going rate for services performed. We never regard a library job as something that a student has earned because he made good grades in the law school, nor do we regard it as a charity. We have no snap jobs, and we make sure that there are none. The nearest approach to a sinecure is a job at the reference desk where at certain hours and at certain seasons a student may salvage a little time for his own work. At one period in our history we tried to make desk assistants do collating and filing in their vacant time, but we never succeeded very well in this. Finally we gave it up. We figure that no one normally gets to

the reference desk unless he has put in several years of hard work in other positions, and that if he has a little leisure for his studying he has actually earned it in previous years. This bit of leisure, which seldom amounts to much, makes the desk an attractive spot, and offers younger students some inducement for doing good work.

You may wonder whether we have discovered any one class of students who are regularly more satisfactory than another. I regret that I have never arrived at any conclusions on this point. We have had Jews, Catholics, Protestants, native born and foreign born, colored and white. Failures, when they have occurred, have never been traced to membership in a particular group. They were individual failures. I might mention in passing, however, that some of the finest employees we have ever had were Japanese-Americans who were released from relocation centers. These people entered our employ under something of a handicap, with the cards stacked a little against them. They won the respect of their colleagues and made a place for themselves that was absolutely secure. Part of their success, I am sure, was due to the inherent decency and broad-mindedness of the librarians on the staff. In my own experience I have never met a fairer, decenter lot of people than I have met in library work. The attitude of the people on the regular staff affects to a marked degree the attitude of the part time workers, who quickly take on the same feeling of responsibility and devotion to duty shown by those who have decided upon librarianship as a career. Some students, of course, will cut corners and slight their work, but such

cases are unusual. In general they have been just as faithful to their jobs as the rest of us.

It would be natural to expect that some of these students who have had four or five years training in our library would decide to take up law library work as a profession. Unfortunately we have never had an example of this. Our student staff has never furnished a recruiting ground for law librarianship.

The students who work for us profit not only financially but in many other ways—intangible profits hard to measure, but certainly of value. Those who work for us three or four years and go up from the bottom of the ladder know more about law books than anyone else who graduates from the law school. In the past, having worked in the library was a recommendation in itself when it came to looking for a job. All of our students get to be known by the members of the faculty, and personal acquaintance counts for a great deal when it comes to getting recommendations for a position. The personal associations which these student employees form cannot but have a real and lasting value.

Now, I understand that some libraries would not employ students under any circumstances. I am sure we should all be interested in hearing what representatives of these libraries have to say. In particular, I should like to hear how they have solved the problem of getting employees at a reasonable wage to do the non-professional work of their libraries. [Applause.]

CHAIRMAN COFFEY: Now, Mr. Price once said that he couldn't have students around. I hoped he would be here to rebutt what I said, but he isn't. Per-

haps one of the others here would be willing to spend a moment, telling you how they solved the problem of help for non-professional and sub-professional jobs in the library.

MR. STANLEY WEST: When I went to Columbia in February there were several law students working at night. I wanted to ask you about that. Both of the desks, the one in the main reading room and the other up in the little supplementary reading room were supervised by law students.

CHAIRMAN COFFEY: How did they get along, Mr. West?

MR. WEST: The smaller reading room was, I think, handled quite satisfactorily. The main reading room wasn't and still isn't, but I think probably Mr. Price's problem is different. We will say Columbia's problem is different from Michigan's because the attorney's downtown come up frequently in the evenings, and usually the students are not able to give the kind of service they need. In fact, as you probably know, I have been in two other law libraries and I felt I knew something about legal reference work, but I just don't go to the telephone now or to the reference desk with a feeling of confidence.

If the telephone rings you can bet it is going to be a difficult question. It isn't going to be something that you just assume that you can answer.

And the same is true at night. People come up to get German references, or French references, or Egyptian legal periodicals, and the average law student is just lost and he is forced to say: "Well, come tomorrow," or something like that.

I think probably where Mr. Price got

the feeling that the students couldn't handle it was for that reason. That is, our reference desk.

Now, you mentioned some of the other things about, we will say, in the sub-professional work. Much of it, I should say all of the preparation, all of the binding work, and a good deal of the order work and claim work is done by non-professional people at Columbia.

For reference work—which is Margaret Hall's job, and it takes somebody like Margaret Hall to handle it—we have a professional librarian and we are getting a professional assistant to Miss Hall.

The chief of circularization is a professional person, but people working under his supervision are not professional.

CHAIRMAN COFFEY: But you aim to have someone there during most of the day and night who is competent to answer questions?

MR. WEST: Yes, sir.

MR. MORELAND: May I say that I think you are quite right in your analysis of the amount of time that is devoted to non-professional work? And I have a feeling that perhaps all librarians have made an error in stressing the necessity for professionally trained people to man their staff. I think disregarding entirely the amount of routine work that anyone with an ordinary amount of intelligence can do, we all should examine our staffs and find out whether or not someone is doing work that is really below his capacity.

Now, I haven't been given the position, except an honorary one, of parliamentarian of this meeting, and I would like to ask at this point whether we can reconsider a former paper? I would

like to make one suggestion with regard to salaries.

CHAIRMAN COFFEEY: Yes; I think that is thoroughly proper.

MR. MORELAND: Mr. Hill placed me in a more or less embarrassing position by suggesting that the law school libraries see to it that all the law librarians be given the rank of professors, which obviously brings with it an increase in salary.

Since I am now an assistant professor this places me on the same side as Mr. Hill unless I disagree. Obviously, I don't disagree, but I think there is something else that might be said: that it is important to raise salaries and I suppose that is our aim, but the law schools are not the only ones who must bear the burden.

I would say that it is the obligation of every librarian whatever the character of his library may be, to see to it that his salaries are increased from the lowest to the highest, and so far as I can see, no progress will be made in raising salaries if you use as your criterion the average salary for that given position.

CHAIRMAN COFFEEY: You are absolutely right about that. I think Mr. Stern was quite right in his paper in attempting to compare law library salaries with comparable work outside, not only in libraries of other kinds, but in municipal and state work. Those comparisons are always very difficult and it seems a little hard to know whether your conclusions are valid or not, but something of that sort must be done.

As Mr. Moreland says, you can't get anywhere by merely finding out what the average in our own profession is.

Are there any other remarks? I am

willing to go back to any of the papers we had this morning. As I told you, I regretted very much pushing the discussion along.

MR. MORELAND: Oh, yes, about state libraries; what would you say was the ratio of clerical help rather than, call it sub-professional or student clerical, to professional help in state libraries?

You said you thought there should be one-third the number of sub-professional or clerical to professionally trained staffs. How many non-professional or clerical staff members do you think there should be in a state or bar library?

CHAIRMAN COFFEEY: I am not really familiar, either with a state or bar library, having never worked in either, but it would astonish me very much if you did not find that one-half of the work in those institutions could not be performed by intelligent people without either law training or library science training.

Some of you people are from those libraries and know more about them than I do. I can speak only for one law school library with which I am familiar.

MR. McNABB: Mr. Chairman, speaking for my own library, we have a staff of six at the Chicago Bar Association Library, and outside of myself there is no one in the library who has had any formal training at all.

The six include two who are part time and are law students. One of them is taking courses at night. The other is taking courses in the afternoon so we switch them around and it really makes just one full time employee. For our library that is an experiment—we have never tried that before—but up to the present time I am very well satisfied

with it, and I can vouch for Mr. Coffey's remarks as to the intelligence and the eagerness of the younger law student. What they will do when they get into the second and third years, I don't know; I have yet to find out. The rest of our staff would be classified as sub-professional; that is, they have had no training either in law or in library science, but I can say that we do a fairly satisfactory job. Of course, I have had law training, and I have also had library science training. I find the task of supervising such a group with the multitude of duties I have, means I have to keep myself right on them all the time, but I don't feel that we would be justified in hiring too many professional people for a library of our size or use. I think we are able to carry on rather successfully with the type of help we have.

Talking about sub-professional help in libraries, I also happen to be on the Union Catalogue, which is located in Mr. Johnston's library, the Chicago Law Institute. That is, I think, the only Union Law Catalogue that has ever been attempted, and it was started at the instance and with the aid of the W.P.A. I doubt whether you can go much lower in sub-professional help than the W.P.A.

Some of those people were ex-truck drivers and some of them were ex-butchers, and some of them were clerks, and a few of them knew how to read and write. I had nothing to do with it until they had been working about a year and a half, when they began to get stumped on some of the more difficult entries and would call in the supervisors. I was very much amazed at the kind and quality of work that had been

done, and all of you who have had any experience with catalogs will realize what a difficult task it is to make a good catalog. Of course they did have their limitations, and there was a percentage of the catalogs they were not able to properly edit, but up to the point they went they did a creditable job. If that could be done with no trained supervision—the supervisors learned as they went along—I think most of us could learn to run a library intelligently with untrained help.

However, I have one comment to make along that line, and that is not to keep untrained help too long if they don't show a sufficient amount of interest to study and to learn. I can cite quite a few instances—and I won't—of libraries that have untrained help that has been with them quite a while. I think it is a rather unsatisfactory personnel problem that you have. You are not able to pay them enough to satisfy them and they are continually dissatisfied with what they get. It would be a favor to them and a favor to us if, when you get permanent help of the sub-professional nature, you keep them long enough to find out whether or not they are going to be really interested. Then induce them to take some training rather than to keep them on the job as a janitor's job, because from my own experience—and I have worked in three different libraries now—I think library work is about the worse thing you can possibly be in unless you are interested in it. If you are interested in it I can't think of any nicer or finer place to work than a law library. You have to transmit that feeling to your help, and if you can't do it, my suggestion would be to replace

them, where you can, because that will be reflected in the service that you give to your patrons.

CHAIRMAN COFFEY: Thank you. Any more comments?

MRS. KEELER: I don't know whether you might term me naive, or whether this remark would be welcome, but after 20 years, first as a student assistant in a law library, then as a part time assistant, and then finally as a full time assistant, and now as librarian, the thought always comes home first that somewhere early in my career I saw that librarians had as part of their motto the word, "Service."

Now, when you have a limited appropriation and you know that definitely you must service your clientele, it doesn't make much difference to you whether or not you get your pay raised to a certain level that other executives have in like capacities. You still must serve on that same appropriation.

CHAIRMAN COFFEY: I think that is quite true, but there always is this problem about getting an appropriation raised.

MRS. KEELER: It takes a legislative act in our case.

CHAIRMAN COFFEY: Oh, yes; in your case that is even harder than working through a Board of Regents, perhaps, but I find in the institution that I come from that the regents can always get the money for things if they want to. It takes a lot of talking and a lot of pressure sometimes I know.

Are there any more comments?

MR. MARKE: We have found at the New York University that the employment of part time student assistants has been very unsatisfactory. Especially is that true of law students.

The law student, as a rule, is much pressed for time and is interested in doing his own work. As you have said, it is important for him to pass his examinations, and he is constantly keeping that in mind when he is employed at the law library desk. Then again there is a tendency on his part to have his favorite law students. He has to maintain his air of being a good fellow and he can't very well refuse certain books which are restricted in use to an hour or two due to the tremendous demand, and he will try to help out his friends in that respect.

Another fault with part time help is the great loss in continuity of work. If he has to be there at one o'clock he will get there just about one o'clock; then he has to prepare himself for work. Then he has to prepare himself to leave at three or four. For that reason, it is unsatisfactory. As a matter of fact we have found it to our advantage to have two professional reference assistants at our law library desk at all times; that is, from nine o'clock in the morning until eleven. At night we do use a student, because we have found the intelligent undergraduate can take care of that. We have attempted to get undergraduate students, and right now we are experimenting with a new program. We persuaded the administration to give us an allowance for four full time student assistants; that is, 35 hours a week, and we pay them \$90.00 a month to start, and in addition they obtain additional credit at the school in the form of tuition to the amount of about \$300.00 which is of great value to them, and we have attracted the mature undergraduate. Usually he is a veteran who has some allowance from the govern-

ment and is willing to work 35 hours a week, and he does manage to do his studies as well. Right now I have a music student who is doing excellent work at our law desk. He is not answering reference questions, that is true, but he does everything else that is necessary, and he knows where the books are located and he can help to great advantage.

As Mr. West has said, when that telephone rings, it usually has a person at the other end who is much interested in getting an answer to a problem which he couldn't find himself, and you want a reference assistant there to handle such a question.

CHAIRMAN COFFEY: Thank you, Mr. Marke. Any further comments before we pass on to the next?

MR. MORSE: I would just like to ask what benefits you think you are getting in the library by your part time students as opposed to full time employees? It seems to me that the library would be much better off if they would hire one of these janitors at 90 cents an hour on a full time basis, from the point of view of accomplishment in the library. I feel like Miles Price and some of the others here regarding students. We are definitely all for them and want to help them in every way we can, but we find when we do employ them on a part-time basis, we are taking over their personal problems and we are very quickly buried under an avalanche of their heartaches and all. From the point of view of accomplishment we have about come to the conclusion a full time employee is much better in the library and, therefore, with the salary ranges that I have heard in our law libraries, if you can pay part time em-

ployees from 70 cents to say 90 cents or a dollar an hour, that amount is nearly \$2,500 a year.

CHAIRMAN COFFEY: No; it is much less.

MR. MORSE: Well, it is if you count an eight hour day.

CHAIRMAN COFFEY: The standard work week is 39 hours, which makes, with a month's vacation, about 2,000 hours a year, and if you pay as much as a dollar an hour—which very few libraries do—that would be \$2,000.

MR. MORSE: Well, now, I daresay that some people here would be interested in a full time position at \$2,000 from that point of view.

I speak of that because of the opportunity to work in a library such as yours where you would have a real opportunity to be in a fine organization and to step up from there after a training period. It seems to me that the law librarians would welcome an opportunity like that. The student employees leave you so quickly after they begin that you are always going backward. It seems to me you are on a treadmill and you are not moving forward.

I am all for helping the students. I certainly am very interested in their problems and I do all I can to help them. Some of their cases are definitely needy ones, but I still tend toward the permanent side of employment in the progress of the law library; that is our experience.

CHAIRMAN COFFEY: Thank you very much, Mr. Morse, for this comment.

I think you are quite right on most points. So far as substituting the janitorial class for our student employees,

that I could never do because there is no excess of janitors, and they are really of a very low grade mentally. I couldn't use them at all. We can scarcely use them for janitor work much less for working with the books. But as for people with training and an interest in library work who want to go on in the profession, I frankly would very much prefer them. I would prefer a person for seven hours a day to one who could only work an hour and a half or two hours, but for many years, we just haven't found them.

I think our great problem really has been a matter of supply.

Now we have a report this afternoon from Mr. Roalfe. It is a report from the Joint Committee on Cooperation between the Association of American Law Schools and the American Association of Law Libraries.

[Mr. Roalfe thereupon read his report as follows.]

#### **REPORT OF THE JOINT COMMITTEE ON COOPERATION BETWEEN THE ASSOCIATION OF AMERICAN LAW SCHOOLS AND THE AMERICAN ASSOCIATION OF LAW LIBRARIES**

In the last annual report it was stated that it was the hope of the Committee that before another year came to an end it would be possible to renew the active program of this Committee, a program which has necessarily been more or less in abeyance during the war. It is now a pleasure to report that it has been possible for the Committee to revive its more active program and that as a first step the present situation has been carefully canvassed in order to determine to what particular

problems its attention should first be directed. It has, however, not as yet been possible to bring any specific undertaking to a successful conclusion, and this report is, therefore, confined to a brief outline of the several matters which the Committee now has under consideration. These may be summarized as follows.

##### **1. Manual for Small Law School Libraries**

The preparation of a manual containing information which, it is believed, will be useful both to persons making inspections of law school libraries and to the librarians of the smaller law school libraries was first projected several years ago, but it was impracticable to take any affirmative action during the war. However, plans are now being made to give this matter specific attention, and Miss Helen Hargrave, a member of the Committee, has generously assumed the responsibility of carrying this undertaking forward to a successful conclusion. In this, she will, of course, receive the active collaboration of other members of the Committee.

##### **2. List of Treatises For Small Law School Libraries**

A list of treatises for the use of those interested in developing the smaller law school libraries was prepared by Mrs. Bernita J. Davies (then Mrs. Bernita J. Long) in 1942 and appeared in Volume 35 of the *Law Library Journal* at page 233.<sup>1</sup> The Committee now proposes to bring this information down-to-date, either by the publication of a supplement or a revised list, in

<sup>1</sup>For a similar but more comprehensive list published at an earlier date, see Moylan, *Selected List of Books for the Small Law School Library*, 32 L. LIB. J. 399, 9 AM. SCHOOL REV. 469 (1939).

order to give effect to the conclusion of the Committee that it is desirable to have such a list kept reasonably down-to-date. Mrs. Bernita J. Davies, who is a member of the Committee, has undertaken to prepare such a supplement or such a revised list, and it is hoped that this will be available for publication in the not distant future.

### 3. Article Supplementing Interpretations

As has been pointed out in prior reports, the interpretations to the library requirements of the Articles of Association of the Association of American Law Schools, prepared and submitted by this Committee, have been approved "in principle" by the Executive Committee of the Association of American Law Schools, and it has recommended that they be used as guides when applying such provisions of the Articles to the libraries of the several member schools. In order to make them available the Association of American Law Schools has published these interpretations in its 1943 Handbook at page 275.

As would be expected, many questions have arisen both as to how the Committee proceeded in the preparation of these interpretations and as to the bases upon which its conclusions were predicated. It has, therefore, seemed to the Committee that it would be desirable to supplement these interpretations by an article to serve as a medium for a fuller explanation of the limitations under which the Committee worked, of the objectives it had in mind and of the bases upon which the various conclusions were predicated. Since the Chairman of the Committee is more thoroughly familiar with these various

considerations than any other member of the Committee he has undertaken to prepare such an article, and it is hoped that it will also be possible to carry this undertaking through to completion in the not distant future.

### 4. Other Matters

Although the Committee is giving consideration to several other matters, its plans as to such matters have not been sufficiently developed to warrant discussion at this time. The Committee has no recommendations to submit this year, and, as will be observed, none of the matters discussed above require specific action by the Association as a whole.

Respectfully submitted,

JEAN ASHMAN  
BERNITA J. DAVIES  
MARIAN GOULD GALLAGHER  
HELEN HARGRAVE  
ELDON R. JAMES  
ALFRED A. MORRISON  
LEWIS W. MORSE  
HELEN NEWMAN  
MILES O. PRICE  
LAYTON B. REGISTER  
THEODORE A. SMEDLEY  
HENRY E. SPRINGMEYER  
SAMUEL E. THORNE

WILLIAM R. ROALFE, *Chairman*

MR. ROALFE: Mr. Coffey, may we move the acceptance of the report in the absence of the President?

CHAIRMAN COFFEY: I believe so. Mr. Price has asked me to preside.

MR. ROALFE: Then I move that the report be accepted and filed.

MR. RIGGS: I second the motion.

CHAIRMAN COFFEY: Any discussion.

All in favor say "Aye." Contrary, the same.

The motion is carried, and the report is received and will be filed.

CHAIRMAN COFFEY: I am sure if Mr. Price were here he would remind you again of the dinner tonight, which is to be at six-thirty. I am sure he wants you all to be on time.

Is there anything further you would like to bring before the session before we close? If not, the meeting will stand adjourned until tomorrow morning.

[The meeting adjourned at four-fifteen o'clock.]

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## THIRTY-NINTH ANNUAL BANQUET OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES

TUESDAY EVENING—JUNE 25, 1946

The Thirty-Ninth Annual Banquet of the American Association of Law Libraries was held in the Chase Club of the Chase Hotel, St. Louis, Missouri, with Oscar C. Orman presiding as Toastmaster. Mr. Gamble Jordan, Law Librarian of the Law Library Association of St. Louis, gave "Greetings" to his many friends in the Association.

The principal address was delivered by Joseph A. McClain, Jr., formerly Dean of the Law School of Washington University and now General Counsel of the Wabash Railroad.

[Mr. McClain spoke as follows.]

### THE NECESSITY OF A CAPABLE BAR IN A DEMOCRACY

JOSEPH A. MCCLAIN, JR.

*General Counsel of the Wabash Railroad*

In keeping with this story you could have assigned me almost any title and I would have probably ended up talking about the legal profession and the im-

portance of insuring that our nation and society be served by a well trained and capable bar.

My sixteen years of law teaching in four schools and the four years I have served since that time on the Section of Legal Education and Admissions to the Bar of the American Bar Association, would almost inevitably produce such a subject.

After all, it seems clear to me that every law library—bar, university, state, county or otherwise—is directly affected as to its welfare and functioning by the quality and calibre of the legal profession. Only a broadly trained and educated bar can have the vision and interest necessary to recognize and appreciate the fundamental importance of adequate library facilities and service, both to legal education and to the actual work of the profession. All too frequently I have found lawyers of some prominence in their communities who did not have the faintest conception of

the need for adequate library facilities or of the importance and value of sound legal research made possible by such facilities. This attitude or lack of understanding has been, in turn, reflected by others in a position to further education and research, and is, in my opinion, partly responsible for the lack of support for legal education and legal research.

Those in the field of legal education and research are faced with the problem that it is more difficult to secure funds from foundations and individual donors for legal education than for almost any other branch of education. It is well-nigh impossible to interest the large educational foundations, whose purses have rightfully been opened in a liberal manner to the natural sciences and to medical education, in support of legal education and legal research. The same difficulty obtains, in part at least, I am told, with respect to the social sciences in general. At first blush, some may draw one of two conclusions from this attitude of non-support, namely, either that legal education is not important enough to be aided, or that something is wrong with the way in which it is being conducted. Either conclusion would be entirely unjustified, and we must look further to find the true reason for this lack of support.

I want to make it clear that I have no quarrel with the support of natural science research and medical education. Each has deserved all that it has received and will need more in the future. I do deny, however, that either has a better claim to assistance than the field of law. As to the question of relative importance, no one would deny the desirability of technological and scientific

advances or the desirability of earnestly seeking every contribution to public health that can be obtained from modern science. But isn't it possible for a nation to be well advanced in technology and in medical science and yet have deplorable conditions because of the absence in its social and governmental order of the institutions and rights which a well-rounded legal system is designed to secure? A brief glance at the totalitarian governments of Europe will suffice, I think, to answer this question. One of the first things a dictator does is to liquidate independent courts and the legal profession, and while some people in this country might at times wish lawyers could be liquidated, I fear the result would not be to their liking.

Whether one likes lawyers or not, or is inclined to question whether they should have played such important roles in our government as legislators, executives, administrators, judges and practitioners, the fact remains, nevertheless, that in this country they have historically played a predominant role in shaping and developing our institutions and will, apparently, continue to do so in the future—at least so long as we have a democracy.

The sociologist, the political scientist and the economist may devise sound plans for coping with the complex problems arising from our social order, and yet, unless these plans can be translated effectively into our legal and economic order with the aid of an understanding and broadly trained bar, such plans will accomplish little in practical results. It is obvious that the bar of this country as to quality and personnel is directly dependent upon the sources

from which it comes, namely, the law schools, and hence the importance that our centers of legal education be carefully developed so as to produce lawyers of the broadest possible training, capable of fulfilling their responsibilities in the present social order.

The chief reason, in my opinion, for the lack of support for a higher type of legal education, is that the values to be obtained are not concrete and tangible, and, therefore, do not have the same powerful appeal as, say, the values that are forthcoming from the field of physical and chemical research. The American businessman, however, would do well to reflect upon what it would be worth to have marvelous technological and material advances if the social and legal order in which his business operates is basically unsound. In such event, the question raised by St. Mark—"For what shall it profit a man, if he shall gain the whole world, and lose his own soul?" would have immediate human application in our economic and social life as was all too true only recently in countries such as Germany and Italy which discarded any system of justice worthy of the name.

While I would not claim for one moment that the lawyer can or should bear the full responsibility for all improvements along these lines, it is nevertheless true that the legal profession does bear a heavy responsibility in this respect. Therefore, I say it is encouraging to see interest manifested in promoting legal education and legal research, whether it be in the form of improved equipment, library facilities, faculty personnel or in other respects. The values to be derived may not be as visible and tangible as in some other fields of education, but

such lack of concreteness has nothing to do with the ultimate value for society of the results to be achieved.

I subscribe fully to the estimate of the legal profession made over a century ago by that discerning critic of America, DeTocqueville, who said in his classic work, *Democracy in America*:

"In visiting the Americans and in studying their laws we perceive that the authority they have entrusted to members of the legal profession, and the influence which these individuals exercise in the Government, is the most powerful existing security against the excesses of democracy. . . . The profession of the law is the only aristocratic element which can be amalgamated without violence with the natural elements of democracy, and which can be advantageously and permanently combined with them. I am not unacquainted with the defects which are inherent in the character of that body of men; but without this admixture of lawyer-like sobriety with the democratic principle, I question whether democratic institutions could long be maintained, and I cannot believe that a republic could subsist at the present time if the influence of lawyers in public business did not increase in proportion to the power of the people. . . ."

If this be true, then it certainly is of the greatest importance that the most highly trained and capable bar possible be developed. Since I believe that the development of such a bar is directly dependent on the sources from which it comes, the law schools, I therefore feel that it is of first importance to our society that our centers of legal education be carefully and adequately developed so as to produce lawyers of the

broadest possible training, and further, that both the profession and the public should insist upon standards for admission to the bar which will insure that those who enter the profession are capable of discharging its responsibilities in the public interest.

All of you know of the fine contribution towards these ends that has been made by the American Bar Association since it first recommended to the states in 1921—under the leadership of Elihu Root—that a minimum of five years of university training be adopted as a prerequisite for admission to the bar. At that time only one state—Kansas—had such a requirement, but at the outbreak of the war in 1941 forty-three states had adopted these standards in substance. This is a splendid record of progress, but much remains to be done, and I would like to invite your attention to two problems now confronting our Section of Legal Education and Admissions to the Bar, and solicit your assistance and support in carrying out our program in the critical years ahead.

We have just passed through a war period that brought the law schools of this country to the brink of disaster. Fortunately, they have been able to struggle through this period and now are functioning in a normal way again. Unfortunately, however, there now appears a challenge to the continued maintenance of minimum educational standards for admission to the bar which has far greater potentialities for grave and irreparable harm than the exigencies of war itself.

This danger comes through the demand that we should waive or substantially modify our standards for bar admission for those veterans who may de-

sire to enter the profession of law, whether they be qualified or not.

Several states have waived the taking of a bar examination by returning veterans who have graduated from an approved law school. The states of New Jersey, Maine and Tennessee have recently by statute or court action changed their requirements for admission to bar examinations with the practical effect that the 2-year pre-legal college requirement is waived for veterans.

We of the Section believe that this tendency to permit veterans to practice law whether qualified or not is not a service or benefit to them, but rather is a distinct disservice, and will result only in failure and disappointment to them later in life—regardless of the good motive that prompts such desire for relaxation of standards.

In addition, the profession of law and the public interest are also involved in high degree. Never has the need been more imperative for the lawyer to be as broadly trained as is required today. The day of a relatively simple political and economic structure that would permit the lawyer to solve most of his legal problems by fairly simple rules, is gone forever.

This attitude does not mean that we are not sympathetic to the veteran, nor that we have not done anything towards assisting him to enter the legal profession if he so desires. Our Section and the approved law schools have been keenly aware of the need for doing all that is possible towards making special provision in favor of the veteran who desires to begin or resume his training for the practice of law.

There seems to be no disposition on the part of any group to reduce the edu-

cational period for professions other than law—such as dentistry or medicine—nor, for that matter, has there been action which would shorten the period of time required to be served by an apprentice before he becomes a skilled tradesman. It would seem clear that the reasoning which supports the maintenance of standards in the other professions is equally applicable to the law.

If this war has taught us any lessons, as it should have, one of these certainly is that only by creating a sound national and international legal order founded upon principles of justice and equity can civilization hope to survive and go forward. A legal system can rise no higher than the standards and ideals of the members of the profession whose special duty it is to assist in improving the system and maintaining its standards.

The truth of the matter is that instead of relaxing standards, we must go forward in the next few years in an intelligent effort to improve both the quantity and quality of training now required to enter the legal profession, and we must make special effort to weigh and determine the functions that the lawyer is performing and should perform in our present and future social order, and then shape our program of training towards equipping men and women adequately and efficiently to perform these functions. [Applause.]

In this connection I wish to invite your attention to a second problem now before our Section and that has to do with a proposed comprehensive study of the legal profession and of legal education.

During the war years the Council of

our Section was able to give a great deal of consideration to what ought to be done in the post-war period towards improving legal education and enabling the lawyer of the future more adequately to discharge his obligation to his clients and to the public. At first our emphasis in thinking was upon a thoroughgoing study of legal education as such, but in the later stages of our planning and thinking we decided that the emphasis should first be placed upon a study of the legal profession itself with legal education included of course.

What the Council now proposes is a study of the place and function of the legal profession in a democratic society. What does the lawyer do? What are his potentialities for service? Can the American people dispense with his services? Is it essential to the endurance of a democratic form of government and of a free people that the services of a highly trained bar and the tribunals of an independent judiciary be ever available to the members of that society? These are not idle questions. They have been expressed again and again from ancient to modern times and with articulate emphasis in recent years. We as lawyers should want to know the answers. Those who are devoting themselves to legal education, if they are to develop enlightened and purposeful programs, should have the answers, and the American public should have them.

This proposed study is now in tentative form and has been approved in general by the Board of Governors of the American Bar Association, and will officially come before the House of Delegates of the Association for action at the coming meeting on July 1-3.

We believe that this proposed study will be, if undertaken, one of the most significant things in the history of our profession in this country. If properly done, it should provide legal education with a more common set of objectives than has obtained in the past, and while exposing no doubt some of the lacks of the profession, it will, it is believed, give the American public for the first time a true picture of the role and function that the legal profession holds in our society.

The proposed study is an ambitious one. It will require considerable time and money if it is to be done properly along the lines, say, of the Flexner study of medical education or of the Myrdal study of the Negro in America. This last study cost \$287,000. It has been estimated that our proposed study would cost at least \$150,000, and certainly it will require two or three years to execute. It should not be rushed, and deliberation and objectivity are essential if the study is to be worth while.

If the study is to be significant it means that the directing head and his staff must be of the highest calibre. The director and his staff will need to have a capacity for basic and creative thinking. Unless the study is penetratingly objective, it is not likely to accomplish much. It will be just another survey. But given personnel with capacity for fundamental thinking about American law, lawyers and legal education, the study may bring extremely worth while results, especially if it is

intelligently and fearlessly used after it is made.

We have assurance that the Carnegie Corporation in New York is willing to jointly finance this undertaking with the American Bar Association, and we are extremely hopeful that after the coming meeting of the House of Delegates we shall be able to begin the process of selecting a staff and getting the project underway.

You as law librarians will undoubtedly be called upon if the study is undertaken to cooperate in many ways, and I am sure that you can be of real value in assisting in the successful prosecution of the study.

Perhaps it is not too much to hope that with the results which may be obtained from such study we can partially remedy the first difficulty that I referred to tonight, the lack of interest by foundations and donors in giving with equal liberality towards legal education and legal research as they do in many other fields of endeavor. Because certainly such a study should show the importance and essentiality of lawyers and an independent judiciary in a free society, and should enable the profession to gain the necessary support for insuring that its members be trained and prepared, both in the university and afterwards, so as to be able adequately to meet the important responsibilities which it is believed they must discharge in a democratic society. [Applause.]

**WEDNESDAY MORNING SESSION—JUNE 26, 1946**

The meeting was called to order at ten o'clock by President Price.

PRESIDENT PRICE: I am going to start off this morning with some reports. Then we will have the principal paper of the morning by Dr. Chute.

The first report is that of the Committee on Cooperation with State Libraries, Arie Poldervaart, Chairman. Mr. Poldervaart.

**REPORT OF THE COMMITTEE  
ON COOPERATION WITH  
STATE LIBRARIES**

As an initial step in preparation of this report, each member of your committee put in writing his ideas concerning the scope of the subject of "Cooperation with State Libraries." Upon summarizing these impressions it became apparent that the members' conception as to what this field of cooperation covers is quite varied. It appears, however, that, taking an over-all view of the matter, the spheres of cooperation are two fold: first, there is a field for greater cooperation by the law libraries with the state libraries within the same state; secondly, there is a field for extensive interstate cooperation of the law libraries with the state library or state library agencies throughout the United States and, perhaps Canada and other countries.

Cooperation between a state law library and the other state libraries within the same state can be effectuated in numerous ways. Some of those specifically mentioned by committee members are outlined herewith.

Correlation of material in the various libraries to avoid unnecessary duplica-

tion of little used materials is an important field for cooperation in the interest of conserving valuable shelving space as well as greater convenience to the library user. To illustrate, there are instances in which a general state library has in its collection scarce or valuable early session laws of the particular state; the law library may not have all of these, though it has others which are not found in the general library's collection. For the benefit of those who may use library facilities, it would appear that some interchange of materials might well be effected, whereby law books are turned over to the law library and the latter in turn transferred non-legal materials which are "out of place" in the law library to the general state library where they can serve a more useful purpose. In cases where such a general readjustment in collections can not be brought about, of course, cooperation in the preparation of a union catalog or a check list indicating in which library the state's own documents, at least, may be consulted would be extremely useful.

The practice of making interlibrary loans between the law library and the other state library agencies can and should certainly be encouraged, provided proper safeguards are assured for the safe and prompt return of materials loaned. This sort of cooperation often is desirable between university law school libraries and general state libraries. Law school libraries on the whole have more complete holdings of legal periodicals than the state libraries, except perhaps, in some of the larger states. The state libraries, on the other hand, frequently possess more complete

files of state documents and court reports. Interlibrary loans in these fields can be most worth while for both participating libraries.

In the matter of extremely scarce and old state documents, such as legislative journals and session laws, the libraries in some states have "gentleman's agreements" whereby the State Historical Society Library collects items before a certain date; e. g., before 1800, whereas the law library carries all laws after such date. In other states all typewritten and longhand manuscript documents, including legal, not required to be retained in the files of the various state departments, become part of the Historical Society Library and archives, whereas printed legal volumes are made part of the law library collection.

The state library can offer a useful service in helping law libraries within the state in the field of administrative law. Under the organizational set-up in most states it is best situated to constitute itself as the distributing agency. Publications of such state administrative bodies as those for public utilities, workmen's compensation, unemployment compensation, and tax appeals, to mention only a few, can best be collected by the state library and distributed to the law libraries throughout the state.

The distribution service, of course, can and should wherever possible be extended also to law libraries and state libraries in other states. Abolition of antiquated rules and regulations preventing a liberal extension of interlibrary loans (except in the case of scarce and unusually valuable materials) between the law libraries and the state libraries in sister states should be encouraged wherever possible. On the

whole, law school libraries are more restricted in the matter of extension of interlibrary loans than the state libraries and have, therefore, the greatest opportunity of working toward a liberalization of the practice of making interlibrary loans.

Among the general state libraries and the state law libraries cooperation has perhaps been more highly developed than it has by almost every other governmental agency. Each state without exception today authorizes the free exchange of court reports and session laws. Gradually, also, provisions are being made for its further extension to the exchange of departmental reports and documents, official statutes and codifications, historical reviews, and some other types of materials. It should be noted that in a few states exchange statutes have become somewhat antiquated and need revision. One state, for example, still requires that its exchange documents be sent to the governors of the several states, instead of directly to the states' official library depositories. The more progressive forms of exchange statutes authorize and direct the responsible authorities in the particular state to send as many copies of the state's own documents as may be desired by the official library or libraries of each sister state. The experience of these states with liberal exchange statutes has shown that there need be no fear that the exchange privilege will be unduly extended. Libraries everywhere are too harrassed with problems of space and shortages in personnel to indulge in the exchange of any but the truly essential documents.

In cases where an actual exchange is impossible, the state library or state law library located in the capitol of each respective state can still give valuable service to the other state and law libraries of the country by keeping them informed as to publications of various state departments or other agencies, such as bar association reports, reports of special committees of the legislature, and judicial councils.

Over the years duplicate legal materials and state documents accumulate in almost every state and law library. It is encouraging to note that a practice has grown up in recent years among libraries of this kind, before disposing of such accumulations to write to the corresponding state or law library in the state where the material originated about its availability and offering to send it to the library in the home state for the cost of transportation. This policy has in some cases enabled the home state library to fill gaps in its files for the first time, in others to replace lost or worn-out copies.

It has been suggested that joint annual meetings of the American Association of Law Libraries and of the National Association of State Libraries be encouraged to develop further the possibilities of interstate as well as intra-state cooperation between law libraries on the one hand and the so-called state libraries on the other. This year, for instance, that point was brought out again. One of the members of your committee, Mr. Dennis Dooley, mentioned the fact that he was required to attend the A.L.A. meeting and the National Association of State Libraries meeting and, as a result, he wasn't able to take sufficient time also to attend

this meeting. I believe there are no doubt many others of the state librarians who are not attending here because they are at this other meeting, although they have many interests in common with us. I think that probably explains why the percentage of state libraries represented at many of our meetings is rather low, and when the opportunity does present itself of meeting together occasionally it would be a fine thing to do.

Respectfully submitted,

ARIE POLDERVAART, *Chairman*

DENNIS A. DOOLEY

HARRISON J. CONANT

GILSON G. GLASIER

PRESIDENT PRICE: Is there any discussion of this report? If not, we will accept it as read and it will be published in the proceedings.

The next report is that of the Committee on Cooperation with Latin American Libraries, of which Hobart Coffey of the University of Michigan is Chairman.

He had to go home last night and I have asked Harry Bitner to read it for him. Mr. Bitner.

#### **REPORT OF THE COMMITTEE ON COOPERATION WITH LATIN AMERICAN LIBRARIES**

I regret to have to begin this report with an apology. This committee has been less active than it should have been during the past year and for this non-feasance the chairman must take full responsibility. Even the present report has not been submitted in advance to the other members and cannot in any

proper sense be held to express the views of the committee as a whole.<sup>1</sup> Unfortunately our committee members are widely scattered geographically—one in California, one in Michigan, and two on the East Coast. Meetings and discussions have been out of the question. I have, however, had the benefit of letters from two of our members, and some of the ideas expressed in these communications will be embodied in this report.

Cooperation is a popular word in library circles. It covers a multitude of sins. There are committees to cooperate on almost everything under the sun, and so it probably seemed quite natural that there should be a committee to cooperate with Latin American libraries. It was only after the committee had been functioning for some time that the question was raised whether there was anything to cooperate about, and whether South American libraries were interested in working with us.

In the past year or so some Latin American librarians have visited this country, inspecting libraries and even studying in our library schools and working in our libraries. Most of these people have been brought here at the expense of our State Department. During the war years we had visits from a rather large number of public officials from Central and South American countries, and many of these were lawyers. Some of these people evinced some interest in Anglo-American law and in our law books. I suspect, however, that the interest which many of these people showed in Anglo-American law was

largely in an effort to be polite. Our chairman of last year, Professor Eldon James, wrote me recently as follows:

"I have not been able to ascertain in conversations with numerous Latin American visitors here, nor with others who have been in touch more immediately than I have with Latin American lawyers, that there is any demand for a library of American legal material anywhere in Latin America. In a few places they want some books such as the reports of the United States Supreme Court, and they could get along nicely with material on a few subjects such as labor law, but as for a library of American legal material, I cannot find that anybody wants it, not even in Argentina where perhaps more American constitutional material is used than anywhere else." My own experience more or less confirms what Professor James has said.

There are several reasons for this lack of interest. One is that in the past few lawyers in Central and South America have read English, even when English materials have been available. Usually, however, few American materials have been available, and this in turn has been due in no small part to the exorbitant price (in terms of foreign money) charged for American and English publications. If any foreign books are bought in these countries they are likely to be European, especially those from France, Portugal, Spain, Italy, and Germany. Books published in those countries are cheaper and also more helpful because the system of private law in force in all Latin American countries is the civil law; and what could be more natural than for Latin American lawyers to consult the author-

<sup>1</sup> The other members of this committee are Elizabeth Forgeus of the Yale Law School Library, and William Stern of the Los Angeles County Law Library. Editor's note.

ties in the very home of the civil law?

It usually happens that we do not become interested in a thing until we know at least a little about it; and we cannot expect any widespread interest in our legal system to be developed in South America unless and until some of the fundamental American legal materials are somehow made available. Even then, we cannot expect any really wide use of such materials. The person genuinely interested in comparative law, and competent to work in this field, is a rare bird in any country, including the United States. Here in North America there is no real lack of foreign materials. There are several really excellent collections of European and South American law in North America, but the use made of the collections by American lawyers or American law students is very slight indeed.

Here and there, of course, there are signs of a nascent interest. The library where I spend my days and most of my nights now has exchange relations with approximately fifty Central and South American institutions. Many of these exchange arrangements were solicited by the foreign institutions in the first instance. Foreign libraries seem somewhat eager to get hold of our law reviews and monographs on current problems. Not more than fifteen of these exchange relationships can be considered profitable from our own point of view.

A few Latin American law students have in recent years been brought here by the State Department and have studied for a period in an American law school. These men will carry back with them some acquaintance with the American legal system and some interest in American law. They will help create

a little demand for our material. I suspect, however, that until a great many more of these Latin American students receive some training in the common law the interest in our system will be almost negligible. In the past, the leading professors and lawyers in Latin America, if they went outside their own countries to study, did their advanced work in France, Spain, and Italy. It is quite understandable that their eyes should have continued to turn to Europe. That this trend has altered permanently seems to me altogether unlikely; but we may possibly expect to have in the future a small but important class of students studying in American institutions. The flow of students will probably dry up and disappear as soon as American subsidies are cut off. It will be the rare individual who will be able or willing to finance himself.

Recently it has occurred to me that the dribblets of material which our library has been distributing to fifty or more institutions to the south of us are a well meaning but somewhat futile gesture. It would be far more to the point if the members of this Association could agree on eight or ten important centers in Latin America and concentrate our efforts on them. If we worked together over a period of time we might assist those centers in building up the nucleus of an American law library which would be reasonably adequate for teaching purposes and of help, though of course not fully adequate, in research.

Libraries to be aided should, in my opinion, meet certain definite criteria: (a) They should be located in large centers of population. (b) They should

be libraries that are connected with a law school or research institution, but which at the same time are open to and used by members of the judiciary and the practicing bar. (c) The library should be willing to receive and care for the material sent, and make it available.

It is believed that not over ten institutions in Central and South America would meet these criteria. The most likely ones are located in Havana, Mexico City, Rio, Sao Paulo, Buenos Aires, Cordoba, Santiago, Lima, and Montevideo. During the coming year a member of our committee expects to visit all the important libraries in Central and South America and it would be possible for him at that time to ascertain what interest and what possibilities exist in the various centers.

If our Association should decide to concentrate our efforts on a few centers, what direction should those efforts take? I should suggest that each member of the Association that publishes a law review start sending the review to the centers selected, and if possible supply back volumes for at least the past ten years. In addition our members might put these institutions on the mailing list for current publications that may be available on exchange.

Here a word of warning is not out of place. The usual sort of material that gets on exchange lists passed between our libraries is pretty largely junk. In Latin America it would only clutter up the shelves and be of no real help. As an outlet for useless duplicates Latin America offers, and should offer, no hope.

Some of the institutions selected will already have the United States Supreme Court Reports and the Federal Statutes.

A full collection of current state statutes would probably be out of the question, but in one way or another, these centers might be supplied with statutes of three or four representative states.

I have a feeling that some of the large publishing companies, if properly approached, might be induced to deposit a set of their publications in these centers, not merely as a gesture of good will but with an eye to future sales. In particular, I should hope that such centers might acquire *Corpus Juris* and *American Jurisprudence*. Possibly, also, American case law could be represented by the current series of the *National Reporter System*.

Once the centers were decided upon and the project got under way we might reasonably expect contribution of materials or money from other quarters: The American Bar Association, the Inter-American Bar Association, and the Department of State.

It scarcely needs pointing out that one of the great difficulties a foreign library has in acquiring or maintaining a satisfactory collection of American legal materials is the wide range and extent of those materials. It is difficult to say that there is anything which can be described as the "American Law." With half a hundred autonomous jurisdictions grinding out statutes and decisions daily we have half a hundred brands of "American Law." Until unification in some form or another has proceeded rather far we shall have to face the fact that almost no foreign library will be able to acquire and keep up a really adequate collection of American law. Outside of North America there is no such collection today, not even in England or on the con-

tinent. It is doubtful whether there will be, even with our help in the Central and South American countries. We, and they, must be content with something much less.

Mr. Stern in his letter of recommendations to our committee suggested the possibility of the preparation of a pamphlet, to be issued, I assume at intervals, which would serve as a guide to Latin American libraries in their purchase of North American materials. This is something which the committee for next year might well consider.

Another suggestion of Mr. Stern's is that a grant be secured from some foundation to finance the translation of some North American law books into Spanish. This suggestion, too, has merit, and ought to be considered at length.

It seems to your chairman that this committee might well be continued for another year so that it may consider in detail some of the suggestions made and problems raised in the present report. It does not seem wise at the present time to ask this Association to approve anything or to do more than to accept and file the committee's report and to discuss some of the questions raised, if anyone is inclined to do so.

Respectfully submitted,

HOBART R. COFFEY, *Chairman*

PRESIDENT PRICE: Is there any comment on this report? I think that though Mr. Coffey probably knows as much about Latin American publications and resources in the United States as anyone, at least outside of the Library of Congress, I am slightly more optimistic about it than he is.

There is a saying that "the Constitution follows the Flag." In my opinion,

the use of law books follows commerce, and as we enter into commerce with these Latin American countries, more and more inevitably they will require our law books, and there will grow up collections of North American material.

I only saw one extensive collection in South America and that was at the University of Buenos Aires Library which had a pretty good one. They based that upon the list prepared by Helen Moylan,<sup>1</sup> the late law librarian of the State University of Iowa. They asked me when I was down there if there was a supplement. I sent them the number of the *Law Library Journal* with Mrs. Davies' supplementary list.<sup>2</sup>

Some of those large libraries down there are anxious to cooperate and to build up a collection. On the other hand—as Mr. Coffey says—they face France and Italy rather than North America, and the continental legal system is what they are most interested in. Most any Latin American law library has more French and Italian, and to some extent German, books than it does of the country in which it is located, which is a peculiar thing, of course.

MR. WILLIAM JOHNSTON: Mr. President, I don't know whether this is a question, or a comment, but this paper started out by saying that it hadn't been approved by the committee. It may be that the paper doesn't reflect entirely the views of the committee, and some of them might want a minority report.

That is all guess work on my part, but I can quite well understand that such a thing might happen. Of course,

<sup>1</sup> (1939) 32 L. LIB. J. 399; (1939) 9 AM. LAW. S. REV. 469.

<sup>2</sup> (1942) 35 L. LIB. J. 233.

this is no suggestion of mine to criticize Mr. Coffey.

PRESIDENT PRICE: What would you suggest?

MR. JOHNSTON: Why, I am afraid that I am terribly pessimistic about the whole subject. If anybody should send us a thousand or a half million of the best works on law from Latin America and put them in good libraries here, how many of us could use them?

PRESIDENT PRICE: My guess is that one of these days you are going to have them. They are going to open up the Mississippi River and the Illinois Canal from New Orleans to Chicago. Whether you like it or not, your Chicago people are going to do business with the Latin American people to such an extent that you will have to have at least the codes and the principal commentaries.

We do in New York. I couldn't get along without them there.

MR. JOHNSTON: Well, you are simply suggesting to me that perhaps there is another side to this question, and a minority report would be in order. It is very plain from what I gathered—perhaps I am mistaken—but I gathered from the body of that report that our English books down there could not be read by the people who would like to read them, because they don't know English.

Wasn't that one of his big points? It wasn't so much a question of getting money to buy them.

PRESIDENT PRICE: That is another point where I am more optimistic than Mr. Coffey. I called upon some lawyers down in Rio de Janeiro, and in Buenos Aires, who had lectured at Columbia University. It so happened that both of them were somewhat busy

when I showed up, and I sat there and kept my eyes open, and whatever anybody tells you about the law or the rule in continental law, it does operate. It doesn't operate like it does with us, but the people whom I went down to see were dragging their own reports off the shelf right and left. When you get into a conflict of laws problem, how are you going to avoid knowing the law of the country of the shipper who has made a trade down in Argentina or who hasn't complied with his contract? I don't see how you can get around it.

I will admit that we are not going to use these books as much as you are going to use your Jones Illinois Statutes, but I will bet that you will use them more than you will Arkansas books.

MR. JOHNSTON: Well, I don't know how familiar you may be with Spanish. Aren't most of these books in Latin America in Spanish?

PRESIDENT PRICE: Well, I have had a lot of them. Yes, we use them.

MR. JOHNSTON: Can you manage your Spanish well enough to understand it?

PRESIDENT PRICE: Yes, I can read Spanish.

MR. JOHNSTON: And, of course, I know that probably Dr. James can, and his predecessor John Vance could. I think that you can count on the fingers of one hand the librarians or lawyers who can. There may be more lawyers than you think who can understand Spanish and understand Spanish law. It is difficult enough for some of us to understand American law when it is written in English, and I don't know how many gentlemen there may be in the United States who can pick up Spanish law written in Spanish and

understand it. So I don't think I am so very far wrong when I suggest that there may be another side of this question.

If I had a Spanish book in Chicago today in our library, I think I would be hunting around for a little while to find somebody to translate it for us.

PRESIDENT PRICE: Well, I still reiterate what I said: that if you ever get that canal open, and get the Mississippi open from Chicago to the gulf, the Chicago Law Institute and one William Johnston are going to get interested in Spanish American law books in Spanish.

MR. JOHNSTON: Well, I still get right back to my original proposition: that it is possible there is another kind of a report, and I am half inclined to think that you and James might write it.

I realize that the commercial enterprise between this country and South America, small as it is now, will develop maybe a thousand-fold in the next 25 years, and law libraries have got to keep up with that. Just what we are going to do to help New York lawyers, and Chicago lawyers, and San Francisco and New Orleans lawyers, I do not know. I can't be in the Chicago Law Institute to do the work myself, but somebody will be there, and it seems to me that there is another side to this question. I am going to suggest that Laurie Riggs, when he makes up his program for next year, include this subject and let us have some more about it.

There is no demand in the Chicago Law Institute for a single book on Latin American law. If there is, I never heard of it. Did you, Mac? Did you ever have a demand for Latin American law books in your library?

MR. McNABB: Certainly.

MR. JOHNSTON: Well, I never did. From whom, Chicago lawyers?

MR. McNABB: Yes.

MR. JOHNSTON: Well, he means he has got a better library. [Laughter.]

PRESIDENT PRICE: Mr. Poldervaart.

MR. POLDERVAART: I just want to make the observation that we are next to the border down there in New Mexico, and we are a bi-lingual state in that our session laws have been printed in Spanish. I receive many requests from Latin American countries for the laws.

It would seem that they are definitely interested in our statutes. They don't care about our reports, but they are interested in the statutes. Requests are coming through, and we will probably receive more, because they know that they can request a Spanish edition, which they do. That, I think, tends to bear out the point in the report that if Spanish material were available, the requests would undoubtedly increase and we would have a better opportunity of placing American legal material in those libraries.

MR. McNABB: Coming from Chicago, I hate to double-cross my good friend, Mr. Johnston, and particularly you know how I hate it when I tell you that I am also on his payroll; but we do have calls for Spanish American material.

I don't think that most of us here would be interested in collections of that type, but I do think that in certain centers in the country, there should be good collections. I know that in Chicago there is a demand for one.

MR. JOHNSTON: Can you fill it?

MR. McNABB: No, not always. We have in Chicago, the Northwestern Uni-

versity Law Library which has a special fund to buy foreign law books and they have done a good job in collecting foreign codes and statutes.

We have the Union Catalogue located in Mr. Johnston's library, so we can tell what they have without going up there, or calling them. All we have to do is look at the cards and we can tell anyone where to find the books. But even so, Northwestern is about a mile out of the loop, and a great many lawyers are in a hurry to find a law and they want a law library in Spanish American material in the loop.

My suggestion for the committee, if continued next year, is to see if they could make up a list of basic materials for Spanish American countries that we could use here; something on the order of the list that Helen Moylan published of basic American law for small libraries, which you suggested that they were using.

Now, I think that a very useful project might be a list of basic Spanish American materials for the medium-sized library for centers like San Francisco and Chicago and New York. I think New York is pretty well covered, already, and Chicago is fairly well covered with the Northwestern collection. Even so their collection is not satisfactory to answer the questions that we get in our library, because it is a center for a great many industries that have branches there and they have personal problems to which they have to find the answers.

I am very sorry to have to double-cross Mr. Johnston, but that is the situation. I know there are some good bibliographies published. Mr. Vance's trip to South America resulted in half

a dozen. There is, also, a series of pamphlets which have been published on the legal systems of the Latin American countries; but that still doesn't tell us what we want to know. They are things that are luxury items rather than essential material and I think we can get some help, perhaps, from this committee along that line.

MISS HELEN HARGRAVE (University of Texas Law Library, Austin, Texas): We have a good many inquiries about Latin American law and we are, of course, building a collection. Our greatest difficulty has been getting the latest codes and commentaries, because the American dealers do not seem to handle the 1945 or 1946 codes that we need. I think that it would be a good thing if this committee would interest some dealers in the latest materials. We don't need them back in 1915 and before that date.

If there is any way to interest anyone in making translations, it would be a great help also.

PRESIDENT PRICE: There is one for Mexico you know.

MISS HARGRAVE: Yes; but not completed.

PRESIDENT PRICE: How about Alameda County? How about Miss Cushing?

MISS CUSHING: We do have a certain amount of demand. Our library is not equipped very well. We have a few of the South American laws and we, consequently, send them mostly to San Francisco.

We are hoping, as it was suggested, that this committee will give us a list of the basic books. We are getting more and more demands for South American law, because we are becoming much

more of a port city.

MISS MABEL RAY (Missouri Supreme Court Library, Jefferson City, Missouri): Mr. President, didn't you have some basic lists before you went down to South America?

PRESIDENT PRICE: Yes, I worked them up. Miss Ray is referring to a technique for which I claim no credit.

Our Professor Powell went into one of the court libraries several years ago looking for New York practice books, and he found every one but the one that any New York lawyer would want to use. He came back and told me that, and since then I have enlisted the aid of the bar associations in various countries, mostly European, but also some South American, and I have found them quite willing to cooperate.

We people sit up here in our offices and we read the trade catalogs, and we see something that sounds good to us but it may not be the best thing at all. The lawyer in Buenos Aires or Montevideo or Lima will know. So we have done that sort of thing, and it is rather easy to get that kind of cooperation. I think it would be an excellent plan to follow out Mr. McNabb's idea and work up those lists and publish them, and also to incorporate Helen Hargrave's idea that some dealers ought to be interested who would keep them up. Any bibliography, of course, is out of date, before it is printed.

Now, as for your double-crossing Bill, we all know that the only thing he is interested in is the truth. If that steps on his toes so much the worse for his toes; but I am going to mention a point which hasn't been mentioned and which, to me, is quite important, and I think meets some of Bill's objections.

My guess is that if Sid Hill in the Bar Library in New York, were to have to read the Spanish, and German, and Italian, and French, and a number of other languages for which he has the basic material, he would find it pretty difficult. Isn't that so, Carroll?

MR. MORELAND: That is right.

PRESIDENT PRICE: All right. I don't have to do it. These firms which get to the point where they are particularly interested in foreign law have lawyers in their own offices or they know where they can get consultants in foreign law. They have consultants in foreign law in every large law office in town. It is not only a matter of being able to read it, it is a matter of being able to apply it according to the continental legal system. So you not only need a translator, which is very simple indeed, but you need somebody who knows what the law means after he reads it.

Billy states that he thinks he could count on the fingers of one hand the law firms which are so interested. I can start out from Trinity Church and walk two blocks down Wall Street, and cut off all my fingers and toes with that, I am certain.

MR. JOHNSTON: No; I meant libraries, not law firms.

PRESIDENT PRICE: One of the best collections of Latin American law books in New York is in Curtis, Mallet-Prevost, Colt and Mosle. They have a large collection, and they get all of the official basic sets, and index them up to the very last minute. They have a much better system of that than we have because they need it so much more.

Now, I think that it is like a lot of other things in law library work. When I came into it I was told that no law-

yers wanted a reference librarian. I didn't believe that, and it is not true. I don't think you will go into any large law library now without finding a competent reference librarian. It is just an obvious thing that lawyers will use whatever service you give them, and if they find that you are competent to give them the service they will use it.

That is true, I think, of the Latin American materials. It is perfectly obvious that if you buy this material for your own library, and your library has no use for it, it is probably a waste of money to buy it. As to Mr. Coffey's suggestion, I would not quarrel with that at all. What he wants to do is to find out if there is such a need and to fill it if it exists.

Is there any other comment on this? If not, we will go on to the next part of our program.

We are exceedingly fortunate in having this morning, Mr. Charlton Chute, Director of the Governmental Research Institute here in St. Louis, who is going to talk to us about "Getting a New State Constitution." Mr. Chute.

### GETTING A NEW STATE CONSTITUTION

CHARLTON F. CHUTE

*Director, Governmental Research Institute*

Thank you Ladies and Gentlemen: When Mr. Price and Mr. Oscar Orman asked me if I wouldn't talk to you today, they stressed the librarian's interest in the whole subject of getting a new state constitution.

This is, of course, not a new subject. In Missouri it is a matter which has concerned some of us for five years, and

we have talked about it for hours on end. You will understand, therefore, that it is a difficult subject to discuss without straying into by-paths and perhaps omitting something that later one wishes very much he had said.

I will first pass briefly over a little bit of the history of our movement here and inject some comments that may be of interest to you as librarians. To begin with, some of you doubtless come from states in which creating a new state constitution is an impossibility. We thought it was an impossibility in Missouri, but we finally did it.

I am not thinking of such a situation as we had here, but rather one with legal difficulties, such as is found in Illinois, where a decision of the Supreme Court has made getting a new constitution practically impossible, or the situation found in Tennessee and a few other states where the procedure for revising the constitution is so complex and difficult as to prove unworkable.

Of course, there is hope for all the states in the long run, for progress will not be denied forever, but it may be delayed for decades, and possibly a century.

Since my experience in constitutional revision has been limited to Missouri, these comments will be restricted to recent developments here. We had a constitutional convention twenty years ago in this state. It stayed in session for over two years and people became very much disgusted with it. The delegates were tired when adjournment came. They had no enthusiasm for the results of their work and no well-considered campaign was developed to explain to the voters the merits of their

proposals.

Twenty-one amendments were submitted and the voters adopted only six of the least important ones. Throughout the state there was a feeling of discouragement that lasted for almost twenty years. But we profited by studying the mistakes made by that convention.

I think the greatest gain that came from that experience was the realization that perhaps the most important step in the whole program was the education of the voters. If you elect good delegates, if they draft a good document, and you don't tell the voters what it means or why you think it is good, or where it has worked elsewhere successfully, and your constitution fails, you have lost the whole fight. We learned that from our 1922-23 experience, and all through the past few years we emphasized the importance of getting good delegates and drafting a good document, but we realized above all that it is most important to educate the voters on what is in your proposed constitution and why you think it is good.

I believe librarians should have an interest in that step. They will play a part, not only in encouraging good men to run as delegates, but in putting before them the information that they may have in their libraries on the successes and failures of their own constitution and those of other states. Finally, librarians are going to play a considerable role in educating the public on what is before them in a proposed new constitution.

One of the largest potential obstacles to securing a new constitution in Missouri was the latent urban-rural conflict. We went out of our way to in-

terest statesmen from the rural areas, and they were ready and willing to be interested. We made it quite clear in the beginning that we weren't trying to pull any chestnuts out of the fire for the city. We sought men to serve as leaders who had the confidence of both the rural areas and the city areas. One of those men was Dean Isador Loeb who had been a teacher in this state for some fifty years, first at the University of Missouri in Columbia, and later at Washington University in St. Louis.

Another important item was discouraging the notion that the proposed new constitution would be a Utopian document that everyone could vote for without any qualms or limitations. You won't get that kind of a document.

We encouraged the belief that the new constitution would be a compromise. We hoped that it would be, on the whole, better than the existing constitution, but we encouraged the belief that there would probably be a few things in the new document that each voter would dislike.

Five years ago the outlook for a new constitution in this state was quite pessimistic. My organization, the Governmental Research Institute of St. Louis, took the lead at that time in presenting a radio talk in which the pros and cons of a new constitution were discussed. This was followed by a series of factual bulletins pointing out the deficiencies and the antiquated features of the existing constitution. In our state, and in eight others, the question of having a constitutional convention is submitted periodically. The issue was to appear on the ballot in November 1942. Thus, about two years prior to the election we began distributing information one the

need for a new constitution.

We did not issue bulletins on all the parts of the old constitution that were open to criticism. To have done so would have aroused much opposition from certain individuals and groups with an interest at stake. We published bulletins dealing with constitutional matters that needed correction and in which the case for a change was very easy to make in a factual way, and to which there was no opposition. For instance, we could show very convincingly that the intangible property tax in Missouri had been a failure ever since 1875, and that from time to time prominent men in Missouri had declared it to be a failure, and that no man in this state had ever made a success of the administration of the tax. We could also show that the revenues received from this tax in Missouri had declined over a long period of years. In other words, we thought we had a case, in this instance, in which no one could say "This thing is good and it should be preserved. We are proud of it." On the other hand, while there was much to be said against the administration of the justice of the peace courts in this state, no issue was made of the matter. The justices of the peace were politically powerful. You will be interested to know that the new constitution abolishes these courts and substitutes for them magistrates, who must be lawyers.

Another matter to which we called attention in our bulletins was a breakdown in the control of state debt. We had a provision in our constitution that said that state bond issues required a two-thirds vote of the people. Only one bond issue was ever submitted for a two-thirds vote. Some bright indi-

vidual figured that this provision could be evaded by submitting a bond issue as part of a constitutional amendment, and constitutional amendments in Missouri are adopted by a simple majority vote. In this case too, we were able to show very clearly that the existing controls over state debt were ineffective and the method of evasion resulted in loading up our constitution with a lot of dead wood.

For a long time people in the rural areas could not see why they should vote for a new constitution. It took about a year's thinking and work to find the data that could convince many rural people that a change was needed. A librarian led us to the facts that developed the interest of many rural Missourians in the new State Constitution. This librarian informed us that one or two public libraries in the state were using a library tax in excess of the constitutional limit. We made a study of city tax rates for the larger cities in our state and it showed clearly that a third of the cities at that time were using tax rates in excess of the constitutional limit. These cities were not in the metropolitan centers but were, rather, the out-state cities. The officials of these smaller cities realized that they were vulnerable and saw right away that the best way out of an intolerable situation was to work for a change in the constitution.

The Law School of Washington University was very helpful in this whole matter. They devoted one of the issues of the *Washington University Law Quarterly* to a symposium on the need for a new constitution. We were asked to write an article on the finance and debt provisions of the old constitution.

The writing of this article was quite profitable to us because we developed a considerable amount of new material of value in this field. While the symposium in the law quarterly, of course, did not have a widespread popular appeal, it was of great value to the delegates of the convention, each of whom received a copy.

There is a point in which all school and law librarians can be of the greatest help. By gathering, analyzing, and publishing articles on the need for a new constitution they will be furnishing those not trained in the law with much valuable ammunition. We used law libraries a great deal in our work and I would not for a minute minimize the importance of the law library. But where we needed information the most was not in the field traditionally covered by the law library, but rather in the fields of public administration and finance.

For instance, in connection with the difficult subject of state grants-in-aid to municipalities, we were interested not alone in the laws on the subject, but the experience in the various states in administering the law. Information on that point came from special studies in the field of public finance and from the Census Bureau. One difficulty we ran into in connection with law libraries and other libraries was not finding certain valuable books that had been published in recent years. The reason for this was that the books were out of print but behind this reason lay the fact that some assistant in the library did not look ahead to the time when a constitutional convention would be sitting and books of this type would be greatly needed. Some of these books were to

be had for the asking when they appeared, but less than ten years later they were out of print and locating a set was an extremely difficult task.

The biggest need in our State Capitol at Jefferson City was not for an adequate law library, for there is a very fine one there in the Supreme Court Building. Our biggest need was for a rather complete library in the field of state administration and practically all branches of state finance.

The last two constitutional conventions in Missouri have shown that there is almost no limit to the amount of research that is needed. Much of this research was, of course, done in law libraries before the convention assembled and during the course of its deliberations. The convention itself facilitated such research by financing a library for the constitutional convention. Hardly any money was spent for the acquisition of material, however. The library depended for its materials on loans from other libraries in the state. This leads me to suggest that you, as law librarians, could materially help a constitutional convention in your state by loaning it materials for a long period of time. If you can, get duplicate materials that you know a constitutional convention will want to use, such as the twelve-volume set published by the New York Constitutional Convention in 1938. Getting such duplicate copies would be a fine and helpful thing for law librarians to do.

There is need for a new method of presenting the results of research. Many able delegates are not natural students. They cannot absorb data by reading it. They want somebody to sit down and give them the answer ver-

bally. Librarians can render a real service by presenting the information in a form in which it will be most useful to the delegates.

In working for the adoption of the new state constitution the libraries of Missouri were very active. They had a stake in the adoption of the new document. I might say here that practically every organized group in the state had a stake in the new document.

Our organization issued a series of about eight bulletins analyzing the new constitution, showing where and why it was different from the existing constitution, and these were distributed widely throughout the state. The libraries had these data on bulletin boards. They made these publications available to readers and they did a grand piece of work in publicizing the shortcomings of the old documents and showing how the new document proposed to make needed improvements.

Another way in which law librarians can help in this work is to gather together the information that controls state officials but which is not to be found in print. I have in mind here the item that was unintentionally omitted from your code, or the decision that may have been missed, or the administrative rule that had been forgotten about, or the evasion that circumvents the spirit of the law. Information of this type will help a constitutional convention a great deal.

As librarians, you may find the publications of our constitutional convention of some help. First of all a series of research manuals was prepared for our delegates. The first one dealt with the methods by which such conventions organize themselves to do their work.

Others dealt with county government, the state executive, the initiative and referendum, and like subjects. The convention also published a journal, the files (reports) of its committees, and the proposals, which are the equivalent of bills in the Legislature. Two cloth bound sets of the journals, files, and proposals were sent to the governor of each state. A few issues of the journal are, I believe, out of print, but if your library does not have these documents, you can get almost a complete set by writing to the Committee on Legislative Research, State Capitol, Jefferson City, Missouri.

I don't know what I might add to what I have already said; I think I have talked long enough. [Applause.]

MR. LAURIE RIGGS: Will you tell us what changes were made in the constitution?

MR. CHUTE: Well, that is a pretty big order and I couldn't give you the whole story, but I can hit a few of the high spots.<sup>1</sup>

Starting off with our Bill of Rights, one of the things that brought the laboring groups to support the constitution was recognizing the right to organize; it had no legal effect but it was there in black and white, and it was very powerful for us. We permitted women to serve on juries for the first time in Missouri. Those were the two important parts of the Bill of Rights.

I might say that I was loaned from the Governmental Research Institute to become Director of Research for the Legislative Research Committee, and I was up there while the convention was meeting, and up there the last year and

<sup>1</sup> Mr. Chute's article entitled *The New Missouri Constitution* in the *BOOK OF THE STATES* 1945-46, pages 81-84.

a half while the legislature has been passing the laws. One of the totally unlooked for novelties was a new method of securing Senatorial re-districting. We had not had a change in our districts since 1900, and no one agitated it before the convention, but a new method came out, and we now have new districts. Whether it is the result of the adoption of the constitution and new provisions, we don't know yet. We will have to look to the future decades, but it looks very promising.

A new provision was found in the legislative article that is one of the thorniest in Missouri and deals with rates of interest on money; we had special rates for small loan companies, special rates for banks, special rates for loans, and so on. This provision says you have to have the same maximum for all lending groups, and that is a terrifically hard problem to work out.

In the Executive Department we had about 80 or 90 administrative agencies, and there is a provision that those had to be consolidated into not more than 14 departments. One of the new departments was to be a Department of Revenue. We had more independent agencies collecting revenue in Missouri than any other state and they all had to be gathered into this one department of revenue. We did away with the justice of the peace courts and set up magistrate courts and a number of other things that you will find in that article.

By the way, our committee has published a 240 page book that compares the old constitution and the new constitution and shows every word added and every word changed and every word omitted, with index, and if you don't have it in your library, write up to

Jefferson City to the Committee on Legislative Research and they will be glad to send you a copy.

MR. JOHNSTON: May I have that name?

MR. CHUTE: Missouri Constitution, Annotated. We had a lot of changes in education; we had an elective superintendent of schools, and that was abolished, and we now have an appointive school board which will appoint the superintendent of schools.

One of the biggest changes in the whole constitution was getting away from these ironclad constitutional limits on tax rates, school, and city, and county tax rates, and so on; the legislature has authority to set limits, and that is very complex. I can't tell you all the details of that, but we have more flexibility in the tax rate structure. No great changes were made in elections, except that absentee voting can be legal in Missouri now. We had some troubles before on that.

MR. RIGGS: Do you fix your Governor's salary by legislation?

MR. CHUTE: Legislation; yes, sir. None of those salaries are set up in the constitution, of course.

Oh, I had forgotten one of the biggest fields, local government including county government. We had about five full time lawyers working on the legislation necessary to cover those changes provided for, putting the classification of counties into not more than four groups.

MR. RIGGS: Decreased the number of counties?

MR. CHUTE: No, the number of counties remains the same. We tried to make a separate form of government for some of our poorer counties which

couldn't support the other type of county government, and got away from fee compensation for county officials. A great number of changes were made there; I couldn't begin to list them all.

Any other questions? I would be glad to try and answer them. [Applause.]

PRESIDENT PRICE: There is a very distinguished professor up in my law school who gives a course in which he doesn't teach a great deal of law, but it is an invaluable course because it gives the mechanics of putting the law into effect. We have had two papers during this conference, one by Major Dainow and the other by Mr. Chute, which are in that same category. We have learned something about how to go about doing these things, and it was exceedingly interesting and profitable, and I extend the thanks of the conference to you.

Now, the next on the program was a paper on the Missouri Supreme Court Library by Lester Breeden, the Librarian, but he is unable to be here. We have a paper from the Chief of the Legislative Reference Service of the Library of Congress, Dr. Griffith. He can't be here, so I have asked Fred Rothman to read it for you. Mr. Rothman.

### ACTIVITIES OF THE LEGISLATIVE REFERENCE SERVICE OF INTEREST TO LAW LIBRARIANS

ERNEST S. GRIFFITH

*Director of the Legislative Reference Service*

This paper has been prepared in response to Mr. Price's request for a statement on the activities of the Legislative

Reference Service, particularly indexing activities, which are of interest to law librarians.

Since the main function of the Legislative Reference Service, indeed the very excuse for its being, is to serve the makers of our laws, it is probable that no phase of the work of the Service is foreign to the interest of librarians who serve the legal profession.

An attempt will be made here, however, to highlight those activities which particularly complement the work of the Law Library. Such activities may, in general, be divided into three major groups:

I. Preparation of reports, including digests of laws, histories of legislation, etc., in response to specific Congressional requests.

II. Issuance of digests, abstracts, bulletins, etc., on a regular schedule, or in anticipation of Congressional interest.

III. Indexing activities.

#### I. Preparation of Reports in Response to Specific Congressional Requests

Reports within this category usually deal with specific subjects. They vary in length from a single paragraph to as much as 100 typed pages. A report which has been prepared upon the request of a member of the Congress is of course sent first to the member who requested it. However, several carbon copies are kept in the Legislative Reference Service files, and these, unless the report is confidential, are available for subsequent distribution to other Members, or, in the discretion of the Director of the Service or the Assistant Director, to other persons, upon request. Frequently, the calls for a particular

study have led to mimeographing.

In not a few instances a report compiled at the request of a single member has proved of such general interest that publication as a Congressional document has been ordered, either by a single House or by concurrent resolution. In some cases, preparation in the first instance is in response to a Congressional resolution, e. g., *The Constitution of the United States of America (Annotated)*, 1938 edition, which was compiled in compliance with Senate concurrent resolution No. 35 of the 74th Congress, the work being entrusted to the Legislative Reference Service and carried out under the direction of W. C. Gilbert.

It would, of course, be unnecessary to list for members of the American Association of Law Libraries various other Congressional documents prepared by the Legislative Reference Service in the field of legal research, since they are among the working tools with which all of those members are familiar, documents such as the *Summary of Major Legislation and of Federal Court Decisions on its Constitutionality 1933-1940*, and the revisions and supplements thereof, and various other compilations of Federal laws, State laws, etc.

## II. Issuance of Digests, Abstracts, Bulletins, etc., on Regular Schedules or in Anticipation of Congressional Interest

The Legislative Reference Service, acting as a "time-saver" for members of the Congress, issues at regular intervals, in fulfillment of that function, certain digests, abstracts, etc., which are widely distributed.

The *Digest of Public General Bills*, prepared in the Federal Law Section,

and available by subscription sent to the Government Printing Office, is too well known to require more than passing mention here. Attention should be called to the fact that the green section (the so-called "action section") of that publication includes timely digests of the public laws as enacted.

Day by day summaries of the more important hearings before Congressional committees are prepared by reporters from the Legislative Reference Service and are issued in mimeographed serial form. The Service in this respect is responsive to Committee suggestions. The summaries are intended to supply a quick view of the daily proceedings—especially in case of extended hearings.

The *Monthly Summaries of State Laws*, which are sent free to subscribers to the *State Law Index*, and *Current Ideas in State Legislatures* are also such familiar working tools that no more than a brief allusion to them is necessary here. One difficulty has beset the Service in this matter, viz., the delays in securing copies of the enacted laws. This has accounted for the unevenness in reporting the laws—the best we could do was to report them "as received."

A recent development along this same line has been an increasing emphasis on so-called *Public Affairs Bulletins*. By this medium the Service attempts to set out, for the use of Members, an analysis of the issues involved in specific proposals pending before Congress, or anticipated to be of significance, with a synthesis of current opinion. These bulletins also are issued in mimeographed form.

*Public Affairs Abstracts*, which are digests of significant current publications dealing broadly with problems

pending before the Congress, are designed to assist Members of Congress in keeping abreast of current literature in the field of public affairs. Issued weekly in mimeographed form, usually in sets of 6 or 8 digests on a specific subject, e. g., small business, United Nations Organization, they are sent to Members of Congress on request, and beyond that they are available also to certain policy-making officials, to libraries of the Federal Government, depository libraries, and to the governments of the United Nations.

### III. Indexing Activities

The major indexing activities of the Legislative Reference Service are in the fields of Federal and State law.

#### FEDERAL LEGISLATION

The term Federal legislation as used here includes Federal laws in their various stages, Presidential Proclamations, Treaties, and Executive Orders.

##### A. Laws

Federal laws are indexed in three stages:

1. Bills and Joint Resolutions
2. Committee Hearings
3. Statutes

##### 1. Bills and Joint Resolutions

Each number of the Digest of Public General Bills, which appears in mimeograph form monthly and in printed form (cumulative) quarterly during Congressional sessions, contains a subject index of the bills included. Analytical entries are necessarily limited in number by the exigencies of time, space, and allotment of printing funds. The final cumulated issue for each Congres-

sional session cumulates the subject indexes covering digests for the session. It should be noted that the subject index cards are made out for the bills as they are introduced, and cover the original digests of the bills. When a new digest is made for the "action part" of the publication, e. g., when a bill emerges from a committee or is passed by one or both Houses, in a form materially different from the form in which it was introduced, additional subject index cards are made when necessary.

In addition to the subject index, the final cumulated issue of the Bill Digest for each Congress contains an alphabetical author list in which are enumerated, under the name of each Senator and each Representative, the bills introduced by him during the Congress.

At the end of each Congress, the subject index cards for that Congress are filed in a cumulated subject card index which now covers all public general bills beginning with the 66th Congress.

Beginning with the 77th Congress, there has been maintained a card index file showing U. S. and D. C. Code sections which the bills propose to amend. These cards are arranged numerically by the Code title and section number, so that an inquiry, for instance, as to what bills have been introduced to amend U. S. 26:1801 can be answered at a glance.

A card file of the history of the bills in each Congress on which action is taken is also kept up to date. On the cards in this file, which are arranged by bill number, there are noted, in chronological order, the various steps taken, including report from committee, amendments, record votes, and debates, and, in the case of enactments, the date

of approval and the Public Law number assigned.

## 2. Committee Hearings

An important part of the work of the Federal Law Section of the Legislative Reference Service is the collecting and servicing of the published hearings before Congressional Committees. These published hearings are indexed, in the Federal Law Section, by committees, bill numbers, witnesses, and subjects. The indexing by committees and bill numbers is complete from the 41st Congress (1869). As to committees, temporary cards are filed alphabetically by the name of the committee and the title of the hearing. These temporary cards are later replaced by the regular Library of Congress printed cards. As to bill numbers, all hearings held pursuant to a bill or resolution are listed under the number of the bill or resolution. In the event that a hearing is held on a certain number, and a new or different bill is reported or acted upon, without hearings, a cross-reference card is filed to indicate the committee deliberation relative to that bill. The index by witnesses was inaugurated with the beginning of the 78th Congress. A card is inserted for each witness appearing before the committee, and for each organization which presents a statement, etc. A witness's organizational affiliation is indicated on his card. "Witness cards" show the page number, date of testimony, name of committee, title of the hearing, and classification number for location in the collected set of hearings. In making subject index cards, subject headings used in indexing the bills and Federal laws are assigned. Each hearing is also indexed under the

Library of Congress subject headings as indicated on L. C. printed cards. Additional cards are inserted for any matter not covered by the foregoing headings.

A card index to the summaries of committee hearings referred to above is also kept. This file, like the index file for the published hearings, covers committees, bill numbers, witnesses and subjects.

## 3. Statutes

The foundation for the present card index of Federal laws was Scott and Beaman's *Index Analysis of the Federal Statutes* of 1907 and its revision in 1933—both of which, as you know, were prepared in the Library under specific Congressional grants. Citations on the earliest index cards are to the Revised Statutes of 1873. Later citations are to the Statutes at Large.

The index of Federal laws covers in detail all public general laws (permanent and temporary) and in briefer fashion the local laws (including laws relating to the District of Columbia, Territories and possessions of the United States, and the Canal Zone) and private laws.

Separate files are maintained for: (a) subject cards (showing present status of laws) (b) numerical or reverse cards corresponding to subject cards, and (c) amendments, repeals and supersedures, the cards in the last two files mentioned being arranged according to Revised Statutes section and Statutes at Large by volume and page. For convenient reference, amendments, repeals and supersedures are also noted on the margins of the pages in the Statutes at Large.

Cards for laws which are no longer in force are transferred to separate sections in the drawers of subject index cards, so that it is possible to ascertain, by consulting the subject files, not only all the statutes on a specific subject that are in force, but also those which have once been in force.

Statutory definitions are listed by subject and arranged alphabetically in a separate file.

In another card file are listed popular names or short titles of statutes, whether indicated in the acts themselves, or accepted in popular usage.

#### *Presidential Proclamations*

Presidential Proclamations are indexed by subject, and cards are inserted in both the subject index file and the numerical file of the index to the statutes, stamped to indicate Presidential Proclamation.

#### *Treaties*

A card index of treaties, conventions, protocols, etc., compiled in the Federal Law Section, was discontinued with the 76th Congress (53 Stat.). It was found that our use for such an index was comparatively slight, and the State Department index was quite sufficient.

#### *Executive Orders*

Executive Orders are indexed in the same manner as the statutes, but in less detail. Two files are maintained: a subject card file, and a numerical file of amendments and supersedures. Amendments and supersedures are also noted on cards in the subject file.

#### STATE LAWS

Indexing of State legislation, which is

done in the State Law Section, covers State and Territorial session laws only.

Publication of the biennial *State Law Index*, (a statutory duty) began with the issuance of the index to the State and Territorial laws of the biennium 1925-1926. Although the *State Law Index* is, in the main, an index to public general laws only, temporary laws of intrinsic importance (e. g., legislation relating to the war emergency) and acts dealing with municipalities of a given class which actually include a considerable proportion of the municipalities of a State are also indexed. Citations are to State, year, date of approval, page of session law volume, and chapter number. If any enactment of the biennium covered by an Index volume is amended, repealed, or superseded during that biennium, the amendment, repeal, or supersedure is noted in the citation.

Card index files, subject and numerical, covering State and Territorial legislation have been maintained since 1917. The subject file covers, of course, the same field as the published State Law Index, i. e., permanent general law only, with the exceptions noted above. Subject cards made out during a biennium are inserted in the cumulated card index subject file after the index for the biennium has been compiled.

The numerical card file includes not only numerical cards corresponding to the cards made out for the subject file, but also brief entries for local and temporary laws, so that all session laws are accounted for in the numerical file. Arrangement is by State, year, and chapter number.

Of the numerous and varied activities of the Legislative Reference Service we have endeavored to note, in this brief

statement, only those of particular interest to law librarians everywhere.  
[Applause.]

PRESIDENT PRICE: Is there any discussion on this paper?

I am disappointed about one thing. You people know of course of the perfectly wonderful statutory index which His Majesty's Stationery Office gets out for British Statutes, in which all the statutes to date are arranged chronologically in one volume, and their subject matter in another, and all repeals, amendments, and so forth, are noted.

That was something like what was done in the McClenon and Gilbert Index in 1933. Why can't we have some of that ourselves here? All this beautiful material down there which is perfectly lovely for anybody who has an office close enough to the Library of Congress, but how about us? There was one in 1907, and another one in 1933. When is the next one going to be?

In the meantime, what are we going to do about it? We have the United States Code Annotated and Federal Code Annotated, but those have to do only with statutes in force, and very often in research work you have to know about material that is not in force. It seems to me that that material ought to be made available.

MR. FIORDALISI: Do you happen to know how much of the material is available to private law libraries or to state law libraries?

PRESIDENT PRICE: No, I don't.

MR. ROTHMAN: I have a question that has puzzled me more than once in the use of material. In using a current supplement you find a lot of legislation that is of current interest to you and

get a reference to a concurrent resolution. You turn to the session laws of that state and then you find the current resolution is not included. They will include some and not others, and the basis of inclusion is rarely stated.

It seems they do include those of absolutely no interest, and the one you want very badly isn't in there. I was wondering how you can get at that material?

MR. CHUTE: I don't know what the practice is in other states. I was puzzled by the same thing until I concluded that the only current resolutions in our session laws are those submitting constitutional amendments, and the others are printed in the Journal, Legislature and Journal Index. I think if you run them all down in the Journal you will find them.

PRESIDENT PRICE: Is there any further discussion?

The Association has been proceeding ultra vires from 1943 to 1945 because our Constitution provides only for an election of officers at the Annual Meeting; but, obviously, during the war, we didn't have an annual meeting, so we used a mail ballot and the president selected under that system served. No one raised any question, and probably never will, but we don't like to proceed in that informal manner. Two years ago a constitutional revision committee was appointed to take up this matter of elections during emergencies when we can't meet, and any other matters which might need amendment.

Last year, the committee found itself unable to submit a report, and another committee was appointed, and that committee was never able to get together. It was a beautiful committee but they

didn't live close enough together so that they could iron out their difficulties.

However, one member of that committee, Carroll Moreland, is here, and he is going to tell us about that. In my opinion, it is probably the most important committee which has been appointed in recent years. Mr. Moreland.

#### **REPORT OF THE COMMITTEE ON REVISION OF THE CON- STITUTION AND BY-LAWS OF THE AMERICAN AS- SOCIATION OF LAW LIBRARIES**

A Committee on Revision of the Constitution and By-Laws was appointed after the Annual Meeting at Rochester in 1945. This new committee superseded the old committee which was originally appointed in 1942.

The members of the committee exchanged views concerning the issues involved in revision in so far as possible by correspondence. Different positions were taken by members of the committee concerning election procedure and other matters. A point was finally reached where it was necessary to decide that the committee have a meeting to discuss the various propositions and suggestions made by members of the committee and by members of the Association at the Rochester meeting. It was then planned to have a meeting of the committee at St. Louis during the first day of the 1946 Annual Meeting, but such a meeting was impossible. It seems imperative that the Committee on Revision have a meeting before the work of the committee can be completed. It is desirable, if not entirely necessary, that much sifting of the issues be done, views reconciled in so far as possible,

and various propositions be reduced to the minimum before the matter is presented to the Association.

A new committee will have to be appointed—a committee whose members can have a meeting, if at all possible.

The matter of dues and kinds of membership was referred to the Committee on Revision by the Executive Committee after its mid-winter meeting in New York. Inquiries concerning these propositions were sent to the members of the committee. Various positions were taken by the members of the committee on several items, but the following summary represents the views of the majority:

(1) The dues of library assistants should not be advanced from \$3.00. The rate of dues should not be based on salaries. The first year rate of dues might well be pro-rated on a quarterly basis. One member of the committee questioned whether the need for pro-rating arises often enough to justify giving it further consideration. The experience of the committee on new members in this matter should be considered before any final decision is made.

(2) Those members paying \$3.00 dues should not be restricted in the privileges of voting and of holding office. It would be better not to supply such a member with the Journal. One member thought that most library assistants have access to copies of the Journal in their respective libraries, and that it is not necessary to furnish individual copies to such members. Another member suggested that it would be unwise to decide not to furnish the Journal to such members without further study and information.

(3) The entire matter of dues and memberships should be studied by a special committee, and not by the Committee on Revision of the Constitution and By-Laws. After the report of the special committee is adopted, the necessary changes in the Constitution and By-Laws can be proposed for adoption by the Committee on Revision.

Respectfully submitted,

ELDON R. JAMES (resigned)

CARROLL C. MORELAND

WILLIAM R. ROALFE

HELEN HARGRAVE

ALFRED A. MORRISON, *Chairman*

MR. MORELAND: That is the report of the committee which, as you can see, amounts to practically nothing. We just can't get together on anything.

Now, Mr. Price has asked me to speak about the problems that are presented and the various propositions that we thought of, and I am doing it in the absence of the chairman.

Yesterday, Mr. Rothman and Miss Hargrave and I had a subcommittee meeting, and I have prepared my comment on the entire Constitution and By-Laws, which both Mr. Rothman and Miss Hargrave have gone over, and deletions have been made. I am going to read exactly what they have seen; I will make no comments and no deviations from what I have already written.

So far as I know this represents, generally, the view at least of Miss Hargrave, Mr. Rothman, and myself.

#### **COMMENT ON THE CONSTITUTION AND BY-LAWS OF**

**A. A. L. L.**

In the absence of Mr. Morrison, Mr. Price has asked me to go over the problems presented to the Committee on the

Revision of the Constitution, and to make such suggestions as occur to me and others on the committee, in order that there may be discussion at this meeting covering the whole of the constitution and By-Laws, so that there may be some basis for final revision, to be presented at the 1947 meeting.

It seems proper that we go over the Constitution and By-Laws, section by section: any suggestion which is made by me certainly should be questioned at the time.

CONSTITUTION, Sections 1 and 2: no change.

Sections 4 (a), 4 (b), 5, 6 (a) and 6 (b): these might well be renumbered as 3 (a), (b), (c), (d) and (e). With regard to Section 4 (b), there is some question in my mind as to the propriety of limiting the number of full time regularly employed members of institutional members, who may be regular members without the payment of additional dues, to eight. I shall take the matter up under the dues of institutional members.

Section 6 (a): it may be that this might be clarified by revising it to read in part: "elect *non-members* as honorary members" etc. It may be remembered that Mr. James and Mrs. Day were elected honorary life members in 1942, which may or may not have denied them the right to hold office or to vote.<sup>1</sup>

Section 6 (b): the definition of re-

<sup>1</sup> See (1942) 35 L. LIB. J. 260. Miss Newman, who made the motion, states that it was her intention to honor these two members with life memberships. The word "honorary" was, perhaps, improperly used. The same language will be found in the 1945 Proceedings in connection with the election to life membership of Alice Magree Brunot and Layton Register. See (1945) 38 L. LIB. J. 69, and 126. All of the above members are listed on our membership rolls as life members, (1946) LAW LIBRARIES IN THE UNITED STATES AND CANADA, page 36. Editor's note.

tirement should be qualified in some way (or there should be a minimum term of membership, say thirty years): otherwise Fred Rothman, who has "retired" from active library work would be eligible for life membership. And I am sure that Fred does not so regard himself.

Section 7: to be renumbered 4. I question the advisability of extending the right of holding office to life members, for two reasons: first, because, by definition, they have retired from active library work, and presumably are not as interested in the activities and problems of the association as active members; second, and perhaps more important from the viewpoint of the life member, appreciation of their abilities, judgment and attainments did not come to them while they were in the field. Actually, I suppose the section was written to exclude associate and honorary members from those rights; if that is so, then let us say so.

Section 8: to be renumbered 5. It has been proposed that this should be revised to read "each regular and life member"; this certainly seems fair and logical.

Section 9: to be renumbered 6. In the third sentence, the words "and as chairman of the advisory committee on planning, as hereinafter provided" ought to be omitted, since there is no longer any planning committee, which was at one time provided for in the By-Laws.

The first sentence was the one which divided the committee. "The officers shall consist of a president, president-elect, and an executive secretary who shall also act as treasurer, all of whom shall be elected by ballot at the annual meeting." The war caught the Asso-

ciation unprepared for the event of no annual meeting, but the executive committee, quite rightly, provided for the election of officers by mail ballot. But since this procedure was not specifically provided for in the Constitution, an amendment was prepared last year which provided that, in the event of a national emergency, war or other serious conditions making it, in the opinion of the executive committee, inadvisable to hold the Annual Meeting the election of officers should be conducted by mail ballot, under rules and regulations to be prescribed by the executive committee.

Because of lack of sufficient notice to the members, as called for by the Constitution, this proposed amendment did not come before the Rochester meeting for a vote. However, there was some discussion, which produced three viewpoints: (1) balloting in person at the annual meeting, with provision for ballot by mail when no meeting could be held; (2) all elections by mail ballot only; and (3) elections by mail ballot, with the right to vote in person at the annual meeting. None of us wishes to force upon the Association anything which the membership does not thoroughly endorse.

Inasmuch as I am a partisan, I may not accurately reflect the arguments in favor of the first proposition, but they seem to me to be as follows: (1) although the Constitution has been amended a number of times in the past years, no change has been offered in the method of election until last year; therefore the method was satisfactory and hence, why any change? (2) presence at the Annual Meetings points out interest in the Association, absence the contrary; and quite logically, only those

willing to go to the polls should vote: (3) almost as many people attend the meetings as would vote by mail; hence nothing is to be gained by a mail ballot. On the second proposition I speak as an avowed advocate: (1) age, in and of itself, is no guaranty of value; (2) interest in the Association, as evidenced by attendance at meetings, is most frequently a matter of the pocketbook; (3) at the last election, by mail, in 1944, 166 votes were cast: at the Annual Meetings, the voting members have averaged only a few over 60 and have never exceeded 100; (4) a slightly argumentative point, participation in the activities of the Association, by way of mail balloting, by those who do not, for one reason or another, attend the Annual Meetings, might well increase their interest in the Association.

The third viewpoint is distinctly middle of the road, but is tending a little to the left of center. Some members feel that they should be given the opportunity to discuss the candidates with other members at the meeting, and be able to cast their ballot after that, if they so desire. Aside from the mechanical difficulties, which are not insurmountable, this viewpoint is certainly very acceptable to me.

Since the committee could not agree upon any one proposition, it was felt that the entire matter should be gone over at this meeting, with the hope that an expression of opinion here with regard to one would be strong enough to justify the presenting of that one to the meeting in 1947. Since all members are entitled to vote, either by mail or in person, on constitutional amendments, it is obviously difficult to have a very intelligent ballot if three alternative

propositions must be voted on. I think that we should have some discussion on the three propositions and a showing of some kind as to which one is most favored by those present.

If there is to be a change in method of election, then there should be some provision in the Constitution to regulate nominations. If some sort of mail ballot is finally adopted, the nominating committee must make its report in time for circularization of the membership, so that they may make additional nominations if they so desire. Additional nominations should have a minimum number of seconders (I do not suggest the number) and the consent of the nominees. It has been suggested that the nominating committee be elected. I am not sure that is necessary, and it then becomes subject to the same processes as the officers. The president-elect is not unaware of his forthcoming duties for a period of one year, and he should have the nominating committee already picked by the time he takes office, so that the committee can immediately go into action. Provision should also be made for the process of balloting, and, in deference to Billy Johnston, "ballot" should be defined. This provision should be in a new section, numbered 7.

Section 10. Renumbered 8. The first sentence "There shall be an executive committee of seven, consisting of the officers mentioned in section 9, the last retiring president, and three members elected at the annual meeting" will have to be changed, by changing 9 to 6; "elected at the annual meeting" would also have to be re-worded, to conform to the method and wording of the election of officers. Might I suggest that

the terms of the three elected members be staggered, to provide continuity among the membership?

With regard to the functions of the nominating committee, it has been suggested that more than one person be nominated for each elective position, other than president. As far as the elected members of the executive committee are concerned, I agree. I am not so sure of the two officers.

Section 11. Renumbered 9, and the first sentence amended by adding "and the nominating committee" after the words "In addition to the executive committee."

Sections 12, 13, 14, 15, 16: renumbered 10, 11, 12, 13, 14.

BY-LAWS. Section 1(a). The question of what constitutes being "head" of a law library has been raised: it is rather hard to define the status without becoming involved. I would allow the definition to be interpreted by the individual members. We might amend the first two sentences to read: "The annual dues of regular members shall be: for those who are heads of law libraries or separately maintained law sections (the last conforms to section 4 (a) of the Constitution) \$5.00 per year; for all others, \$3.00 per year.

It has been suggested that the dues be pro-rated, when an application is received during the course of the Association fiscal year. For the relatively small sum involved, I do not favor adding to the complexities of the treasurer's job. In any event, the new member presumably would receive all issues of the *Law Library Journal*, issued after June 1. As a subscriber, this would have cost \$4, so I do not see that the member can lose much.

The amount of dues has also come up for discussion. Should the dues be increased? Should the dues be a uniform \$5? The reason for an increase being revenue, the real question is: would an increase in dues cut down our membership to a point where our revenue at the higher rate was less than at the lower rate? I have no idea as to what the result would be.

If dues are to be increased, a fairer way might be to make them depend upon salary, as in A.L.A. It might be that some would object to a disclosure of their salaries. Their position as head of a law library is more or less apparent. On the other hand, some non-heads are paid more than some heads. It is really unfair to base the dues on the basis of title and position. This is particularly true in large libraries, where actually the dues of assistants are paid by the institutional member, although at a rate of \$5 per person.

The suggestion that those paying \$5 as heads of law libraries should receive something more than those paying \$3 has been made. The right to vote? Obviously that is too undemocratic. The *Law Library Journal*? This suggestion was made on the theory that a \$3 member was getting a \$4 periodical, which seems unbusinesslike. It might be so argued, if the 1945 report of the treasurer did not reveal that the *Law Library Journal* was published at a small profit. A.L.A. does give something additional, as dues are increased. Everyone receives the *A.L.A. Bulletin*, but those with salaries less than \$1,500 do not receive the *Handbook or Proceedings*, and those with salaries less than \$2,100 do not receive the *Proceedings*. It is unfortunate that members of the

library profession are so poorly paid, and in this Association I do not think that any one should be penalized in any way, simply because of low salary or mere assistantship. No one I have ever met has given me the least intimation that his or her present salary is too much, and who ever heard of an assistant who couldn't run the library better than the boss?

And while we are on the subject, is the assistant librarian who is a member by virtue of institutional membership of his library, a \$3 or a \$5 member?

Which brings me to the matter of institutional memberships. Under section 4 (b) of the Constitution, no more than 8 full time regularly employed members of the staff of an institutional member shall be entitled to regular membership in the Association without the payment of additional dues. By-Laws Section 1 (c) provides that no library shall be required to pay more than \$40 in order to enjoy the full privileges of institutional membership. As a matter of fact, the restriction as to the eight members and \$40 works to the disadvantage of the Association. There are some libraries with staffs of more than 8 which would pay for institutional membership on the basis of their full staffs. I think it would be better if the libraries be allowed to pay for more than eight staff members, if they desired, but that the provision should remain that they need not pay more than \$40. If the \$5 provision is retained, I see no reason why the limitation as to the eight should not be discarded. If that restriction was placed there because of a fear that the large libraries would dominate the Association, may I point out that a library could give up its institutional member-

ship, and by paying the dues of its staff as regular members, could have twelve memberships in the association for \$38? And I should like to ask one question: what, other than the payment of dues, are the "full privileges of an institutional member?"

PRESIDENT PRICE: Do you understand the proposals that Mr. Moreland has put forth? Will you repeat them again, Mr. Moreland?

MR. MORELAND: My statement was No. 1—balloting in person at the Annual Meeting with provision for balloting by mail when no meeting should be held; No. 2—all elections by mail ballot only; and

No. 3—election by mail ballot with the right to vote in person at the Annual Meeting.

PRESIDENT PRICE: Do you understand that mail ballot?

MR. RIGGS: I don't understand the last proposition.

MR. MORELAND: That is not my idea, Mr. Riggs; that is Mr. Johnston's. The theory is that those who cannot attend the meeting, and don't attend the meeting, or know they are not going to attend a meeting, can vote by mail. Those planning to attend may not wish to cast their ballot a month in advance so they come to the meeting and they talk to you and to me and other people about the candidates who are on the ballot and, at that time, according to Mr. Johnston, it is possible they may even withdraw the ballot they have already cast and vote in person at that time.

MR. RIGGS: Then you count all the ballots?

MR. MORELAND: Yes, you count them all.

PRESIDENT PRICE: There has been some question raised that that was too cumbersome a method.

MR. MORELAND: It is cumbersome, but I don't think it is too difficult.

PRESIDENT PRICE: I don't see why it couldn't be worked out.

Mr. Pucher, are you coming up here to tell us something?

MR. PUCHER: What I am wondering is how are you going to arrange, for those who vote by mail, about the candidates who are nominated from the floor?

MR. MORELAND: We have thought of that. First, I wanted to know what the feeling was, with regard to those three propositions, because if nobody approves of a change, then we must have a ballot at the Annual Meeting and there your question doesn't arise.

PRESIDENT PRICE: We have got to have a change; we have already operated ultra vires for a couple of years. Nobody raised any complaint about it, but it is not inconceivable that they will next time. I think most of the officers at that time were slightly uncomfortable.

MR. MORELAND: You may recall at the Rochester meeting that I was the one, at Mr. Johnston's suggestion, who moved that we consider the last two elections valid. But I agree with you; I think we should do something.

MR. POLDERAART: We all agree, I think, if we can work it out that the last would be the most representative as to the membership. Carrying the thought as presented here just a little further, and the fact that Mr. Moreland brought out that in the last mail election we had 160 ballots cast, whereas on the average at an annual meeting we have only 60

cast, a situation could develop where someone who is nominated, and consented to have his name placed on the ballot, might find it necessary to withdraw.

Now, the mail ballots would have come in. Suppose there were 100 that would have come in, and the names are drawn, and 60 present at the meeting would vote for a new man nominated from the floor for that office. Then you would have the situation, when you counted the ballots of 100 votes let us say for the original man, because this other name was never suggested at the time the mail ballots went out, and have 60 here, and still have a majority for the person who couldn't serve, and it would reach a peculiar result.

PRESIDENT PRICE: Has anybody any comment on that?

MR. BITNER: I don't think the situation that Mr. Poldervaart mentions would ever arise.

PRESIDENT PRICE: We had it this time.

MR. BITNER: Occasionally that might happen, but it would be a very rare occasion. If it does take place, I think it would be a special movement on the part of a group to secure the election of a particular person. On the whole I feel that it is more representative to have this Association vote by mail ballot.

PRESIDENT PRICE: Exclusively by mail?

MR. BITNER: Not necessarily, but I think it is something to consider, because I feel that the point about the pocketbooks is a very good one. A lot of people would like to come to the Annual Meeting and can't. There is no

reason why they should be denied the right to vote.

PRESIDENT PRICE: I talked with Mr. Roalfe the other day about that. Incidentally, I agree with you on that, but he said that Mr. James pointed out that the American Library Association, one of the most politics-ridden organization that there is, has an exclusively mail ballot and the members vote like sheep for the candidates they are told to vote for, so that it really doesn't amount to an election.

I don't know about that, but it is something to consider.

MR. MORELAND: Well, even if there is politics involved, which I am not willing to concede, the point as I see it is whether or not the members who do not attend meetings have got the right to vote.

PRESIDENT PRICE: Well, I don't see why not. There are people who have been loyal members, and they never get here, and they ought to have a vote.

MR. RIGGS: Of course, you and Billy Johnston both ought to be sued for usurping offices you are not entitled to.

MR. MORELAND: No; Mr. Price was really elected at the last meeting. At present he is all right.

MR. RIGGS: My opinion is that it seems to me you have to do it one way or the other. You can't combine the two.

You either have to elect by mail or by voting here, because if you take the other system, and somebody is nominated from the floor, it just won't work.

MR. MORELAND: I will get to that. You have got to provide for that if you adopt anything other than the present form, which I believe we will talk about.

MR. RIGGS: Well, that is all right.

MR. MORELAND: Now, I would like to ask whether or not at this time we can get a show of hands on the three propositions?

MISS RAY: What would be the objection to the members who are present at the meeting voting at that time, and then sending your mail ballots out to the ones not there? That would take care of nominations from the floor.

MR. MORELAND: That is Proposition No. 3.

MISS RAY: No. Proposition No. 3 is to send your ballots out before the meeting.

MR. MORELAND: Obviously you have to do that.

MISS RAY: They don't always know whether they are coming or not.

MR. MORELAND: This is simply an idea. Now, Mr. Johnston's idea was that those who cast their ballots by mail and who attended the meeting should have the opportunity to change their mind. That is difficult but not impossible.

MISS RAY: Wouldn't it be less complicated not to send your mail ballots out until after?

PRESIDENT PRICE: You wouldn't know who your officers were until long after your meeting. The ballot has to be completed while the meeting is in session.

MISS RAY: Why?

PRESIDENT PRICE: Otherwise you wouldn't have a successor to the President until after the meeting adjourned.

The Constitution says they shall be elected at the Annual Meeting. We are going to amend that anyway, but it seems to me that the incoming officers ought to have an opportunity to get busy as soon as they can.

MR. WEST: Don't you already have a President-Elect? Your President-Elect knows he is going to be President, doesn't he?

MR. POLDERAART: The next President-Elect also is a member of the Executive Committee, and, as in this case today, the incoming President wants to meet with the Executive Committee because he has no opportunity to get together again until the mid-winter meeting and anything that should be moving in the meantime should be taken care of.

I think that is your problem in any delay in count of your mail ballots.

MR. RIGGS: I would like to know the explanation for voting the combined method.

MR. MORELAND: Well, I think it can be done if everybody, for instance, sends in a ballot with a name on it on the outside of the envelope, and they are kept in the hands of the Executive Secretary. It will be complicated, but it can be done. She keeps those; and if you attend the meeting, when you come in, you can say: "I want to withdraw my ballot." Then she gives you the envelope that has your ballot, and another one that can be handed back.

MR. RIGGS: That doesn't quite meet my objection. For instance, if somebody is nominated from the floor at the Annual Meeting?

MR. MORELAND: Wait a minute, I haven't got to that yet.

MR. RIGGS: Pardon me.

MR. MORELAND: Under the mail ballot obviously you can't have nominations from the floor, but I think you can take care of it.

PRESIDENT PRICE: What about the write-in?

MR. MORELAND: I don't think you should.

PRESIDENT PRICE: We have three proposals here. The first one, as I understand, is that we shall maintain the present voting system and vote at the Annual Meeting, but have the provision that in case of an emergency like we have had in the past where we have no meeting, that we have a mail ballot. The second one is that it shall be a mailed ballot, exclusively, with no voting at the Annual Meeting. The third is a compromise, and that is that those who desire to may vote by mail, and those who desire to vote in person at the Annual Meeting may do that.

Now, do you understand those proposals?

MR. RIGGS: Let me ask you is this only suggested, and not final?

MR. MORELAND: We can't do anything final, yet. What we want is simply discussion. We want to know what the majority here thinks so we can draw an amendment which will take care of that.

MR. BITNER: What is wrong? Why can't you have a write-in on your ballot? It is done in a good many organizations.

MR. MORELAND: I think we can cover that when we get into it.

PRESIDENT PRICE: Those who are favorable to an all mail ballot with no election whatsoever at the Annual Meeting, but announcement of the results, will you hold up your hands? That is eleven.

MR. JOHNSTON: Out of how many?

PRESIDENT PRICE: We will get that later by elimination.

How many are in favor of voting exclusively in person at the Annual Meet-

ing but with adequate provision made for the sort of emergency that we have had or any other emergency preventing an Annual Meeting, in which case it would be an all mail ballot. Will those people raise their hand? Five.

There were eleven on the other vote and incidentally I didn't raise my hand; that makes twelve.

Now, the third one is the compromise of the mailed ballot every year, but with the provision when there is also an Annual Meeting that those who so desire may vote in person at the Annual Meeting and that the tellers will collect the votes, count the mail ballots, check off on the membership list those who have voted, and that then we shall have those voting in person to be checked against that.

Those in favor of that please hold up your hand.

Apparently the all mail ballot is rather overwhelmingly favorable.

MR. McNABB: Mr. President, might I ask is there any action going to be taken on this vote or is this just advisory?

MR. MORELAND: I would say, in view of that vote, that the next committee presumably should prepare an amendment that would put into effect a mail ballot, and that the amendment will be presented at the next Annual Meeting.

MR. McNABB: I voted with the first group but I would like to say something about that.

I have been a member of this Association since 1937, and this is the first time I ever found anybody willing to pay my way down here. Incidentally, there are three other members of my organization who are also members of this Association, and have no intention of

coming to the meeting, and feel as though they belong and have belonged longer than I have.

I am very much in favor of permitting all members to take part in the voting. What about the mechanical details of it? I would be willing to submit that to the committee to work out the details.

I have always felt I was a member of the Association, and nine-tenths of you don't know me, and I don't know you, but I think we have a common interest, in spite of the fact that I had no chance to participate in anything the Annual Meeting did. I think that should not go on and that a change should be made. What the change should be, could be left to the committee, but I think the consensus of opinion here is that some change should be made.

PRESIDENT PRICE: Do I understand your point of view to be, in part, that if there is a personal vote at the Annual Meeting, it might induce some people to come to the meeting who otherwise would not?

MR. McNABB: Well, I don't know; it depends on where the meeting is. If you have the next meeting out at San Francisco I doubt if I would be able to go; and I doubt whether the people in San Francisco would come here.

PRESIDENT PRICE: What if it were at Detroit?

MR. McNABB: That is not too far for me to go, but it might be too far for other members. Wherever you go you find somebody on home ground, and people close by, and you find another group who are not able to get there.

Now, I rather suspect that after reading my remarks that I have made here in the *Law Library Journal* when it comes out, my bosses won't be willing

to pay my way any more. I would still like to be able to participate in the Association.

MR. POLDERAART: What concerns me on this problem of an all mail ballot is that there are many who will vote who have not been at the meetings and who really don't know, from personal knowledge, who the active workers are in the Association.

They may see a certain name in the Association and say, well, now, she is at a certain library, therefore, she ought to be a good person, and they will vote for that library rather than for the individual. My problem is that you may have some people elected to the Executive Committee who couldn't possibly attend the mid-winter meeting, and it would be very difficult to accomplish anything. Whereas if you had voting at the meeting, those who attend the meetings and have been attending the annual meetings, would probably receive the majority of the votes, and there you have a nucleus for the officers who are more familiar with the activities than those who have done it by correspondence.

Now, is there any provision in your mind that would take care of that?

MR. MORELAND: No, there isn't, and I think it is true that we have a member of the Executive Committee who attended the mid-winter meeting who is not here. It seems to me you can't avoid that kind of thing because there are people who can't come, and they are just as much interested in the Association as anybody else. The fact they can't come shouldn't deprive them of the privilege of serving. As a matter of fact, if they are officers they might come.

PRESIDENT PRICE: My opinion always has been that the proposals ought to be published in the *Law Library Journal* well in advance of the Annual Meeting so the members would understand what they were considering. I don't believe very many of you people down there right now, even as clearly as Mr. Moreland reads, are too cognizant of just what he is proposing. It would seem to me it would be much more effective all around if your committee, with a mandate on the most important things, would go ahead and prepare something which would be published in the *Law Library Journal* well in advance of the Annual Meeting.

Now, the amount of dues also comes up for discussion. Should the dues be increased.

MRS. HELMLE: I haven't had a chance to take this up with the Executive Committee, but I have worked out an interpretation of individual membership and institutional membership.

Under the institutional membership, the name in which the membership is can be changed. An individual membership is not changeable. There is nothing in the Constitution or By-Laws that says the name can't be changed in an institutional membership. That seems to me to be the explanation of what are the privileges. So if you have an institutional membership and you have a change of staff you can change the names of the people in your institution who are members; but if John Jones has an individual membership, five dollar or three dollar, even though his organization pays it, that cannot be transferred to Jesse Jones who succeeds him in the position.

Isn't that a reasonable interpretation?

MR. MORELAND: I think it is.

PRESIDENT PRICE: If it is, it ought to be changed, it seems to me.

MR. MORELAND: The purpose of institutional membership is to get money for this organization, and I don't think we should be limited to 8 members. The University of Pennsylvania doesn't have 8 members, but we may have more than 8. I think, if we feel so inclined, we should be able to pay \$50.00, but I don't think we should be required to pay more than forty. I think that is a good limitation.

And incidentally, there is another question that has been raised, and that is would it be proper for the librarian or the head of the library to limit the number of memberships that he is going to get for his library by the payment of \$5.00 per person to those people who he felt were actively interested in the Association?

Under the terms of the Constitution everybody who is employed full time by the library must be paid for at the rate of \$5.00 apiece up to the number of 8, if you are an institutional member.

Now, obviously, there are people who are in clerical positions who, under the terms of the Constitution, have to be a member at \$5.00, simply because you are becoming an institutional member. I thought you might determine how many members you would want at \$5.00 apiece.

PRESIDENT PRICE: In other words, the Constitution is vague as can be at the present time?

MR. MORELAND: It is. I think we should do something about that. As a matter of fact there are, at the present time, institutional members which are not paying for 8 members; they are not

paying \$40.00, and they have more than 8 members on their staff. They should be paying \$40.00.

MR. RIGGS: Do you think, under the present Constitution, it can be done?

MR. MORELAND: Why not? It says a full time member of the staff.

MR. A. MERCER DANIEL: How about an institutional member where there is one person employed?

MR. MORELAND: That costs \$10.00.

MR. DANIEL: How many copies of the Journal would you get?

MR. MORELAND: You don't get any as an institutional member, but you get one because you are a member of the institution. That is the reason I think we should make some provision for the institutional member.

MR. BITNER: It seems to me, as I suggested in connection with my other proposal in regard to the permanent secretary, that it is rather an out-moded method of combining the institutional and individual membership. I think there ought to be a complete division between individual and institutional membership. I think that is one of the reasons, perhaps, why this organization loses some of its effectiveness. Now I don't know whether that would cause a decrease in the revenue, but if we get a permanent secretary, I can see that if we divide these two ideas we could possibly increase it. I don't think we would lose anything, and then we would gain a greater interest on the part of individual members.

I am not sufficiently familiar with it, but I have been trying to figure out just what is the reason for this set-up we have in regard to the institutional memberships.

MR. MORELAND: I think it is revenue.

I would say, knowing the people in the Association of the Bar of the City of New York, that they would not have 8 members of the staff who would join this Association as individual members.

MR. BITNER: The Association of the Bar of the City of New York, would probably retain its institutional membership, but we should devise some sort of a fee or rate, based on the size of the staff. Individuals who wanted to become members could become members on an individual basis.

I think that that would do more for the organization than the way it is set up at the present time. I think I mentioned that in this other connection, and Mrs. Helmle thought that it would probably cause us a loss of revenue. I am not willing to accept that finally. I thought that might be investigated.

MR. MORELAND: I think you are wrong for this reason: that it costs the Bar Association \$40.00, with 8 members at \$5.00 apiece. The Bar Association doesn't have 12 people who would be willing to pay \$5.00, and there are not 11 persons who are on the staff who are going to pay \$3.00 for membership. That means you would actually lose revenue from that institution.

MR. BITNER: Might I say we aren't having a sufficient number of law librarians who are interested in their own profession?

MR. MORELAND: The Bar Association doesn't have 12 people who are doing the kind of job that would interest them in the Association. It is a slightly smaller staff than that but it is more than 8.

MR. WEST: I think what Mr. Bitner says has a lot of merit. I think in a way it is connected with our voting by

ballot, if we adopt all mail voting now. If Mr. Moreland says that there aren't 8 people or 5 people in the Association of the Bar who are interested enough to pay \$3.00 to become members, should those people vote on officers if they are not interested enough to be members on their own?

MR. MORELAND: Well, you have something there.

PRESIDENT PRICE: Well, many of them get interested because it is more or less on a free basis. My library has 18 or 19 people, about half of whom are professional.

I think before we became an institutional member we had two individual members. The institutional membership was adopted purely as a revenue measure and it worked. Don't you think so?

MR. MORELAND: The only suggestion I made is that we should not limit the number to 8, but that we should not require them to pay more than \$40.00 for 8 men.

PRESIDENT PRICE: Gentlemen, the time is running on. That was a remarkably clear presentation of the problem.

What should we do with this report?

MR. RIGGS: I move it be received.

MR. JOHNSTON: And placed on file. I second that motion.

PRESIDENT PRICE: All in favor say, "Aye." Contrary? It is so ordered.

Now then we have some business, and I am hopeful you will all stay for it, but I ask that only those who are either life, individual or institutional members vote.

The Constitution provides that by a vote of two-thirds of the members present, life members may be elected who

will be exempt from dues. These life members are such people who before retirement have been active in the affairs of the Association.

Mr. Johnston has a motion to make about two members.

MR. WILLIAM JOHNSTON: Mr. President, Bob Owens has been one of our best and loveliest members that we ever had in the Association. You know he is the Librarian at the San Francisco Law Library. He has retired, I suspect largely on account of age and somewhat on account of health, and it is my motion that he be made a life member.

Now, I am not telling you what rights a life member has but my recollection is that he has the right to talk and to vote. Am I correct?

PRESIDENT PRICE: Yes.

MR. JOHNSTON: That is my motion for Bob Owens.

MR. DANIEL: Second the motion.

PRESIDENT PRICE: All members in favor of that, say "Aye." Contrary, "No." Motion carried.

Mr. Johnston you have another one.

MR. JOHNSTON: Well, I separated it because it may be proper to do it. I am in favor of a similar vote for Fred C. Hicks who recently retired from the Yale Law School Library, and is now succeeded by Samuel Thorne, who used to be at Northwestern. I make the same motion as to Mr. Frederick C. Hicks who has been a member a great many years, and a very prominent and very active member when I joined. He was a power for good in this organization for so many years that I can't tell how many, and I doubt there are very many in the room now who can remember when he first began to do his best to help the American Association of Law

Libraries.

I so move, Mr. President.

MR. RIGGS: I second it.

PRESIDENT PRICE: All in favor, say "Aye." Contrary? Motion carried.

Now, I have a report here to read of the Committee on Memorials by James C. Baxter, Chairman.

[President Price thereupon read the Report of the Committee on Memorials.]

#### REPORT OF THE COMMITTEE ON MEMORIALS

Your Committee on Memorials submits the following report:

Morris Gann, an associate member of our Association, entered the United States Navy in August, 1943. After serving at Camp Peary, Virginia, and in Rhode Island and in Hawaii, he was sent to the Marianas where he died in April, 1945, at the age of 39. At that time he was a first class seaman. Mr. Gann had entered the law book field about 15 years before his death. He is survived by 4 sisters.

Paul Dansingberg, State Librarian of Minnesota, died on July 30, 1945. For a number of years he had been an individual member of the Association. He was born September 7, 1883, at Claremont, Minnesota. He attended public schools in Minneapolis and was graduated from the University of Minnesota in 1906. He was graduated from the Harvard Divinity school in 1909 and served eight years as a Unitarian minister in St. Cloud and Kansas City. In 1911 he was married to Carrie L. Monroe.

Later he served two years in the Minneapolis public library system. Before becoming State Librarian in 1925, Mr.

Dansingberg was an editorial writer on the Minneapolis Journal six years. He is survived by his wife.

The American Association of Law Libraries wishes to convey its sincere condolences to the families of Mr. Gann and Mr. Dansingberg.

Respectfully submitted,

JAMES C. BAXTER, *Chairman*  
DILLARD S. GARDNER  
JOHN S. GUMMERE

PRESIDENT PRICE: Any motion on that report?

MR. RIGGS: I move it be received.

MR. JOHNSTON: Second the motion.

PRESIDENT PRICE: Now then we have some more business. Billy Johnston seems to be as active as a one armed paperhanger here. We had a discussion both at the meeting in February of the Executive Committee, and at the meeting of the Executive Committee last Monday regarding the salary of our Indexer.

The other day I received a letter from Arthur Pulling, the Director of Libraries of Harvard Law School, in which he stated, what a good many of you people don't know, that in addition to supplying a room, and typewriter, and other equipment for the *Index to Legal Periodicals* the Harvard Law Library also pays the annuity premium for Miss Wharton.

He stated that the Harvard Law Library was increasing the salaries of its employees ten per cent and that if we cared to increase Miss Wharton's salary ten per cent they would go along with it.

Mr. Johnston, I think you have a motion on that.

MR. JOHNSTON: I make that motion, Mr. President.

We had an Executive Committee

meeting on Monday, and that was talked over and agreed to by the Executive Committee and the formal report read to this meeting by the President. I am in favor of it and so move.

MR. DANIEL: I second it.

MR. JOHNSTON: That is \$240.00 a year increase.

PRESIDENT PRICE: Mr. Johnston has made a motion. Do I hear a second?

MR. DANIEL: Second the motion.

PRESIDENT PRICE: All in favor say, "Aye." Contrary? It is so ordered, and the motion is carried.

Now I have something else. Mr. Riggs, the incoming President agreed with me the other day that the Auditing Committee which is usually appointed at this time would not be able to function properly during this meeting, and that it should meet in New York where it can have access to Mrs. Helmle's records. Both she and I for the good of our souls wish such an audit made, and Mr. Riggs said that he would let me, as one of my last acts, appoint such a committee and he would let it carry over. I hereby appoint: Sidney Hill, Lawrence Schmehl, Julius Marke, as members of the Auditing Committee to audit the books of the Association in the possession of Mrs. Helmle for the fiscal year of 1945-1946.<sup>1</sup>

I have had a great deal of pleasure during the past year and a great deal of responsibility in serving as President of this Association. I feel that we are an important group and that the President of our group has an important job.

One of the pleasures has been the co-operation which most of the members

<sup>1</sup> See (1942) 35 L. LIB. J. 427 for the following direction to the Auditing Committee: "that this committee have a certified public accountant go over the books of the Association . . ." Editor's note.

have extended, and particularly Mrs. Helmle, who is the Executive-Secretary.

One thing about this part time business of the Executive-Secretary is that the person who does the work, does it not to make money but in order to help out the Association. In Mrs. Helmle we have a person for our money of a calibre of whom we could not hope to get if we were paying a full time salary based upon what she receives as a part time salary. I think Mr. Riggs next year will bear me out in that.

Mrs. Helmle has put in time far beyond what we have had the right to expect, and she hasn't complained, although her husband has. He still permitted her to do so as husbands will when they are under enough pressure. In stepping out of this office, I do so with good will toward everybody, and with a feeling of some accomplishment. During the past year the capital funds have increased some thirty-three or thirty-four hundred dollars, which is not bad for a little outfit like this, due mostly to Mrs. Helmle.

Now, the last piece of business is the election of officers. I appointed a committee yesterday to conduct the election, composed of Michael Pucher of the Supreme Court Library, Utica, New York, Lionel Coen of New York Law Institute, and Mr. Mercer Daniel of Howard University Law Library.

It is called to my attention that we have not disposed of unfinished business, and if there is any will you please bring it up?

MR. MORELAND: You were not here yesterday when I mentioned to Mr. Coffey, who was conducting that round table, that the Association had not taken any steps with regard to Mr. Hill's sug-

gestion that the Law Librarian of Congress should be on an equal footing so far as professional classification is concerned with other department heads in the Library of Congress.

Mr. Coffey said we should prepare a formal resolution, but he assigned the task to no one so it has not been done. I haven't prepared one, but it seems to me that the Association should take some action on that proposition. I, therefore, move that the Executive Committee prepare a statement which should be submitted to the Librarian of Congress urging that the Law Librarian of Congress be put in the same professional classification as the other department heads.

MR. DANIEL: I second the motion.

PRESIDENT PRICE: All right; it has been moved and seconded. All in favor of the motion please say "Aye." Contrary? Motion carried.

The report of the Committee of Tellers at my request was submitted in this form. The ballot is here and the report is here. I have not opened it. I have no more idea than you what this is.

I am going to ask Mr. Pucher to read it, but before I do so I wish to state that it has been our custom in the past to announce who was elected, but not to give the number of votes received by each candidate. However, any member of the Association who is so interested has a perfect right to see this report and to examine the ballots. Mr. Pucher.

MR. MICHAEL PUCHER: Mr. Chairman, Ladies and Gentlemen: There were 45 ballots cast for the various officers. Those receiving the largest number of votes for the respective offices are:

For President-Elect, Arie Poldervaart; For Executive-Secretary and Treasurer, Mrs. Helmle; For Executive Committee: Hobart Coffey, Helen Newman, and Elizabeth Forgeus.

The ballots are in this envelope so that if any question arises they can be checked. Do you want to pass this around?

PRESIDENT PRICE: Is there a motion on this report?

MR. MORELAND: I move it be accepted.

MR. JOHNSTON: I want to second it but I want another one. I want you to make a declaration of who is elected.

PRESIDENT PRICE: All right; the new officers are: President, Laurie Riggs of the Baltimore Bar Library who comes in automatically because he was President-Elect last year. He did not need to be voted upon under our Constitution.

President-Elect is Arie Poldervaart of New Mexico State Law Library.

Executive-Secretary and Treasurer is Mrs. Helen M. S. Helmle of the Equitable Life Assurance Society.

The three elected members of the Executive Committee other than the President and President-Elect are:

Hobart Coffey of the University of Michigan;

Helen Newman, Associate Librarian of the Supreme Court of the United States; and

Elizabeth Forgeus, of the Yale Law School Library.

I think it is an admirable selection.

MR. MORELAND: Mr. Price, may I say one word or two? I think that the members of the Association here assembled should give recognition to your services in the past year. I, therefore,

move that the Association express its appreciation for your efforts during the past year; and we are sorry that the Constitution forbids your re-election.

PRESIDENT PRICE: Well, that is a gracious motion, though I thoroughly disagree with the last part.

MR. PUCHER: I second the motion.

PRESIDENT PRICE: May I step out of my position and make a motion at this point before we install the new officers?

One of the members of this Association has been mentioned here before who was sort of an ex-officio toastmaster and was one of the most gracious, and witty, and lovable of our members. She is not well and has retired from library work and she is now a life member.

She sent flowers to some of us last night, and it touched us very much. Mr. Riggs, do you want to make the motion?

MR. RIGGS: I make a motion that Mrs. Alice Magee Brunot be written a letter of appreciation.

MR. DANIEL: Second that motion.

PRESIDENT PRICE: It has been moved and seconded that some recognition of Mrs. Brunot's interest be conveyed to her by the Secretary-Treasurer. Is there any discussion?

All in favor, say "Aye." Contrary, "No." It is so ordered.

Mr. Riggs has been conducted by a most gracious lady for a number of very happy years, and I wonder if that lady would consent to conduct Mr. Riggs up to the podium here where I can turn over the office of President of the Association to him?

Mrs. Riggs, can you hear me?

MRS. RIGGS: You want me to lead

him by the hand or something? [Applause.]

PRESIDENT PRICE: Mr. Riggs, it is with a great deal of pleasure and entire confidence that I turn over the Chair to you.

MRS. RIGGS: If he does half as well as you did, I will be very happy.

MR. LAURIE RIGGS: Members of the Association, the lady who conducted me up here has seen me through a great many ticklish situations, and I hope she will stay with me through this.

I want to say just a few words. I am very grateful for being elected President of this Association, and I shall give my best endeavor to it.

As you know I am not a librarian like Mr. Price is, and you have to make allowances for my shortcomings. I am primarily a lawyer; I spend most of my time practicing law, and make my living that way. So if I should show a legal mind in a little bit hardboiled way sometimes, you will know it is because of my training.

Is there anything that anybody wants to say before the Association meeting is closed?

MR. PRICE: Do we need authorization for the destruction of the ballots?

MR. JOHNSTON: It is so moved.

MR. MORELAND: Second the motion.

PRESIDENT RIGGS: All in favor of destroying the ballots, signify by saying, "Aye." Contrary? The ballots will be destroyed.

Is there anything else to come before the Association?

MR. WILLIAM JOHNSTON: Well, I suppose I have to sing my "Swan Song."

[Mr. Johnston made some remarks concerning life member Mr. Christian

Due.]

PRESIDENT RIGGS: Now, Mr. Johnston, I am glad that you did visit Mr. Due.

[Further remarks by President-Elect Riggs concerning Mr. Due.]

PRESIDENT RIGGS: There are still some copies of the article written by Miss Newman, and anybody who wants them may come up and get them. We also have a few copies of the works left here by Mrs. Prince.

MR. PRICE: I am not sure Mrs. Prince wants to give them away. I think she wants the members to look at them.

PRESIDENT RIGGS: Only to look at them. Anybody who takes them away will be fined.

Is there anything else to come before the Association?

If there is nothing else I now announce the Association adjourned sine die.

[And thereupon, at one forty-five o'clock, the Thirty-Ninth Annual Meeting of the American Association of Law Libraries adjourned.]

## APPENDIX

The reports which follow were not read at the Annual Meeting but are included here so that the record of the activities of the Association will be complete for the year 1945-46.

## REPORT OF THE A. A. L. L. REPRESENTATIVE ON THE A. L. A. COMMITTEE ON GOVERNMENT PUBLICATIONS

One of the main objectives of this joint committee is the arrangement for the cooperative distribution of processed official government publications.

In September, 1945, the committee circularized 177 institutions; 47 of these were members of the Association of Research Libraries, 45 were public libraries in cities of 200,000 population or over; 42 selected college and university libraries not members of the Association of Research Libraries, and 43 state libraries.

The purpose of the letter was to inquire to what extent individual libraries would support an expediting office. The question asked was "If the budget for this projected office is limited to \$5,000, how much annual support would your library give to the undertaking—\$500—\$300—\$200—\$100—\$75—\$50—\$25?

Of the 177 institutions replies were received from 83, 32 favorable and 51 unfavorable. (The list of those favorable I have attached to this report.) Provisional support from those favorably inclined to the idea amounted to \$5,135 distributed among the four groups thus: Association of Research Libraries \$4,275; Public libraries \$375; college and university libraries not members of Association of Research Libraries \$385; and state libraries \$100.

In January Mr. Halvorson, Chairman of this committee, met with Mr. Luther Evans, Librarian of Congress, and Mr. Verner Clapp, head of the Acquisitions Dept. of the Library of Congress and the following arrangements were agreed upon which to date have not been acted upon. First, that the Chairman request the libraries which have offered to cooperate to place the sums which they have offered in the LC gift fund to the account of "The Library of Congress-Account of Distribution of Processed Official Publica-

tions." These funds will be held by LC in trust in the United States Treasury, and disbursed in accordance with directives from the Chairman.

Second, the chairman will appoint one or more assistants to take charge of the work of procuring and distributing official publications. These persons will be paid by LC from the fund but they will be subject to directives issued from the Chairman. They will be subject to LC for coordination only and to the extent they will use LC facilities in their work. They will report to the Chairman. Third, details of procurement and distribution will be worked out by the Chairman, LC co-operating and expecting to derive advantage.

One other item has been placed before the committee. In May 1946, Mr. Paul Howard, Director of the National Relations Office of A.L.A., sent a memorandum to the A.L.A. Federal Relations Committee and the Joint Committee on Government Publications, concerning the bill introduced April 13, 1946, by Representative Wickersham (H.R.6121) amending the general depository law to include all land-grant colleges as depository libraries and to designate the law libraries of State Universities maintaining separate law libraries as depositories for laws, rules and reports of administrative and executive agencies or tribunals and legal opinions and decisions.

Mr. Howard felt this might be an opportunity for doing something constructive about the whole program of document distribution. He talked with Congressman Wickersham who expressed himself as gratified at the interest shown and as willing to amend

the bill in any way and to introduce a substitute bill which would do more about the documents problem. The matter was to have been taken up at the A.L.A. Convention by the Federal Relations Committee and any suggestions to the Committee on Government Publications will be passed on to Mr. Howard.

I wrote Mr. Halvorson that I would be unable to attend the Buffalo Convention but would appreciate receiving

word from him here if any action was taken by the Joint Committee on Government Publications at that meeting. Mr. Babb of Yale, the Association of Research Libraries representative on the committee, was unable to attend the A.L.A. meeting and I talked with him this past week but he had no further information to offer.

Respectfully submitted,  
VIRGINIA KNOX.

#### Tentative Subscribers to Documents Project

| List                            | \$500  | \$300   | \$200  | \$100                             | \$75      | \$50  | \$25                 | \$10 |
|---------------------------------|--|---|--|-----------------------------------|-----------|---|----------------------|------|
| A<br>(ARL)                      | Yale<br>Chicago<br>Harvard<br>Columbia<br>N. Y. P. L.<br>L. C.<br>furnishes<br>offices | Calif. (Berk)<br>Michigan<br>Washington<br>Northwestern | Minnesota<br>Pennsylvania<br>M. I. T.<br>J. H. U.<br>Boston Pub. | Rochester                         | Grosvenor | Catholic<br>Virginia                                    |                      |      |
| C                               |  |   |  | Philadelphia<br>Pittsburgh (Carn) |           | Minneapolis   | St. Paul             |      |
| B<br>(Public)<br>(Col. & Univ.) |  |   |  | Idaho<br>Wyoming                  |           | Brooklyn<br>Dallas<br>Purdue<br>U. Oregon<br>Pittsburgh | Oregon S Sys.<br>Md. |      |
| D<br>(State Libs.)              |  |   |  | Indiana                           |           |   |                      |      |

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**REPORT OF THE JOINT COMMITTEE ON LEGISLATION OF THE NATIONAL ASSOCIATION OF STATE LIBRARIES AND THE AMERICAN ASSOCIATION OF LAW LIBRARIES, JUNE 24, 1946**

The report of progress of this committee, which might have been made last year, is that the Connecticut Legislature, at the 1945 session, amended Title III, Chapter 10, of the General Statutes, by adding Sec. 40h-43h. These four sections require the deposit with the secretary of state of all existing regulations affecting the public interest on or before April 15, 1945, and the filing with the secretary of state of every regulation made after that date. They also provide that each such regulation (subsequent to April 15, 1945) shall not be effective until it is published in the *Connecticut Law Journal*, by direction of the secretary of state. The editor of the *Connecticut Law Journal* and *Connecticut Supplement* is directed to publish, from time to time, such regulations as an appendix to the *Connecticut Supplement*.

Likewise, Nebraska, Chapter 255 of the Laws of 1945 requires the filing of rules with the secretary of state and the publishing of them by the individual agencies. Indiana, Chapter 120 of the Rules of 1945, now requires the filing of rules with the secretary of

state who is to publish them in a bound volume with annual pocket part supplements.

In 1946, Missouri by Senate Bill 196 requires the filing of the rules with the secretary of state who is to publish them as soon as possible, and who is to keep the rules up-to-date by means of a monthly bulletin.

The New York compilation of administrative regulations, in five looseleaf volumes, has been issued during the past year. It, together with the California Administrative Code, are the two new issues in this field. While the loose-leaf arrangement of these publications is very wise in keeping the user up to date, it would seem more satisfactory if supplements, containing changes, should be issued separately, so that the state of the law (administratively) as of any particular date could be easily ascertainable.

It is the sense of this committee, that its functions could be best carried out by local representatives, in those jurisdictions where administrative rules are not adequately published. It therefore requests its discharge from the functions it has been attempting to serve.

Respectfully submitted,

CARROLL C. MORELAND, *Chairman*

HARRISON J. CONANT

RALPH HUDSON

LAWRENCE SCHMEHL

VERNON M. SMITH

### States Requiring Filing and/or Publishing of Administrative Rules

| State | Adoption date                      | Filed with   | Published by                    | Format   | Supplemental material                                      |
|-------|------------------------------------|--|---------------------------------|--|--|
| S. C. | 1937 Laws,<br>ch. 132              | Sec. of State  | Sec. of State                   | Appendix to session laws   | Appendix to session laws                                   |
| Ore.  | 1939 Laws,<br>ch. 474              | Sec. of State  |                                 |  |  |
| Kan.  | 1939 Laws,<br>ch. 308              | Revisor of Statutes  |                                 |  |  |
| Mass. | 1939 Laws,<br>ch. 499              |  | State departments               | As appendix to annual reports  | As appendix to annual reports                              |
|       | 1945 Laws,<br>ch. 292              | Does not call for publication in appendix to annual reports  |                                 |  |  |
| Wis.  | 1939 Laws,<br>ch. 428              |  | Revisor of Statutes             | Wisconsin Red Book<br>(Administrative Rules and Orders)  | Biennial revision  |
| Tenn. | 1941 Laws,<br>ch. 111              | Sec. of State  | Promulgating agencies           |  |  |
| Ohio  | 1941 Laws,<br>HB 239               | Sec. of State  |                                 |  |  |
| N. D. | 1941 Laws,<br>ch. 241              | Attorney General, who must give opinion                      |                                 | Copies of rules and opinions to clerks of courts and State Bar                                 |  |
| Cal.  | 1941 Laws,<br>ch. 628              | Sec. of State  | Codification Board              | California Administrative Code, revised periodically   | California Administrative Register, published periodically |
| Ky.   | 1942 Laws,<br>ch. 178              | Sec. of State  | Codification Board              | Kentucky Administrative Code, revised periodically   | Kentucky Administrative Register, revised periodically     |
| Mich. | 1943, Act 88                       | Sec. of State  | Sec. of State                   | Michigan administrative code, revised periodically   | Michigan administrative register, at 3 month intervals     |
| Ohio  | 1943 Laws,<br>S. 36                |  | Promulgating agencies           |  |  |
| N. C. | 1943 Laws,<br>ch. 754              | Sec. of State  |                                 |  |  |
| Md.   | 1943 Laws,<br>ch. 872              | Clerk of Court of Appeals and Dept. of Legislative Reference |                                 |  |  |
| Ind.  | 1943 Laws,<br>ch. 213              | Attorney General for approval filed with Sec. of State       |                                 |  |  |
| N. Y. | 1944 Laws,<br>ch. 618              | Sec. of State  | Sec. of State                   | Official compilation of codes, rules and regulations of New York; revised periodically         | Cumulative supplements, issued periodically                |
| Va.   | 1944 Laws,<br>ch. 160, 217,<br>218 | Com. on Administrative Agencies                              | Com. on Administrative Agencies | Virginia Administrative Code and Virginia State Register                                       | Supplement to the Code                                     |
| Pa.   | 1945 Laws,<br>Acts 442, 443        | Pennsylvania Register Board                                  | Pennsylvania Register Board     | Pennsylvania Register  | Pennsylvania Register, monthly                             |
| Conn. | 1945 Laws,<br>Acts 67, 452         | Sec. of State  | Sec. of State                   | Appear first in Connecticut Law Journal and periodically as appendix to Connecticut Supplement |  |
| Ind.  | 1945 Laws,<br>ch. 120              | Sec. of State  | Sec. of State                   | Bound volume   | Annual cumulative pocket supplement                        |
| Neb.  | 1945 Laws,<br>ch. 255              | Sec. of State  | Promulgating agencies           |  |  |
| Mo.   | 1946<br>Senate Bill 196            | Sec. of State  | Sec. of State                   | Bound volume   | Monthly bulletin   |

**ATTENDANCE REGISTER****Thirty-ninth Annual Meeting of  
the American Association of  
Law Libraries**

- Allen, Miss Viola M., Dayton Law Library Association, Dayton, Ohio.
- Arkebauer, B. G., Supreme Court Library, Springfield, Ill.
- Ashman, Miss Jean, Indiana University Law Library, Bloomington, Ind.
- Bibik, Miss Frances, New Hampshire State Library, Concord, N. H.
- Bitner, Harry, Kansas City, Missouri.
- Blair, Elmer H., Law Library of St. Louis, St. Louis, Missouri.
- Bowen, Harold J., New Haven County Law Library, New Haven, Conn.
- Brede, Miss Caroline, University of Minnesota Law Library, Minneapolis, Minn.
- Chaplin, Miss Elise L., Washington University Law Library, St. Louis, Missouri.
- Clarke, Mrs. Adeline J., Montana State Law Library, Helena, Montana.
- Coen, Lionel J., New York Law Institute, New York, N. Y.
- Coffey, Hobart R., University of Michigan Law Library, Ann Arbor, Mich.
- Cushing, Miss Eloise B., Alameda County Law Library, Oakland, California.
- Daniel, A. Mercer, Howard University Law Library, Washington, D. C.
- Davies, Mrs. Bernita J., University of Illinois Law Library, Urbana, Ill.
- Dearth, Mrs. Millicent, State University of Iowa Law Library, Iowa City, Iowa.
- Dunnebacke, Miss Charlotte C., Michigan State Library, Lansing, Michigan.
- Farmer, Miss Frances, University of Virginia Law Library, Charlottesville, Va.
- Finley, Miss Elizabeth, Covington, Burling, Rublee and Shorb, Washington, D. C.
- Grover, Miss Rachel, Minnesota State Library, St. Paul, Minn.
- Hargrave, Miss Helen, University of Texas Law Library, Austin, Texas.
- Helmle, Mrs. Helen M. S., Equitable Life Assurance Society U. S., New York, N. Y.
- Hill, Sidney B., Association of the Bar of the City of New York, New York, N. Y.
- Hogan, Percy A., University of Missouri Law Library, Columbia, Missouri.
- Howard, Mrs. Lula M., Lincoln University, St. Louis, Missouri.
- Johnston, George A., Law Society of Upper Canada, Toronto, Ontario, Canada.
- Johnston, Wm. S., Chicago Law Institute, Chicago, Ill.
- Jordan, Gamble, Law Library Association of St. Louis, St. Louis, Missouri.
- Keeler, Mrs. Michalina, Hartford Bar Library Association, Hartford, Conn.
- Knox, Miss Virginia, Connecticut State Library, Hartford, Conn.
- Kommes, Miss Ethel, Minnesota State Library, St. Paul, Minn.
- Lachmann, Miss Esther, Washington University Law Library, St. Louis, Missouri.
- MacDonald, Harrison, Boston University Law Library, Boston, Mass.
- McLaurin, Miss Lillian, U. S. Navy, Office of Judge Advocate General Library, Washington, D. C.
- McNabb, Chas. A., Chicago Bar Association Library, Chicago, Ill.
- Marke, Julius J., New York University

- School of Law Library, New York, N. Y.
- Moreland, Carroll C., Biddle Law Library, University of Pennsylvania, Philadelphia, Pa.
- Morse, Lewis W., Cornell University Law Library, Ithaca, N. Y.
- Newman, Miss Helen, Supreme Court of the U. S. Library, Washington, D. C.
- Newton, Miss Elizabeth H., County of York Law Association Library, Toronto, Ontario, Canada.
- Niedzialkowski, Miss Mildred, St. Louis University School of Law Library, St. Louis, Missouri.
- Orman, Oscar C., Director of Libraries, Washington University, St. Louis, Missouri.
- Peterson, Miss Gladys H., Illinois Legislative Reference Library, Springfield, Ill.
- Poldervaart, Arie, New Mexico Law Library, Santa Fe, New Mexico.
- Price, Miles O., Columbia University Law Library, New York, N. Y.
- Prince, Mrs. Huberta A., U. S. War Department, Judge Advocate General's Library, Washington, D. C.
- Pucher, Michael S., New York Supreme Court Library, Utica, N. Y.
- Ray, Miss Mabel, Missouri Supreme Court Library, Jefferson City, Mo.
- Riggs, Laurie H., Baltimore Bar Library, Baltimore, Md.
- Riman, Miss Florence, Indiana University School of Law Library, Indianapolis, Ind.
- Roalfe, William R., Duke University Law Library, Durham, N. C.
- Russell, Miss Marie, Kansas State Library, Topeka, Kansas.
- Shakeshaft, Miss Beatrice, Kansas State Library, Topeka, Kansas.
- Smith, Mrs. Josephine W., Minnesota State Library, St. Paul, Minn.
- Starnes, Mrs. Julia B., Mississippi State Law Library, Jackson, Miss.
- Trapnell, Miss Frederica H., E. I. de Nemours & Co. Law Library, Wilmington, Del.
- West, Stanley L., Columbia University Law Library, New York, N. Y.
- Representatives of Associate Members**
- Baker, Voorhis & Co., New York, N. Y.—John F. Heitman.
- Canada Law Book Co., Toronto, Ontario, Canada—W. X. Sharpe.
- Carswell Company, Ltd., Toronto, Ontario, Canada—R. M. Brown, Wm. Hibbitt.
- Commerce Clearing House, Inc., Chicago, Ill.—Miss Dorothea Blender.
- Dennis, Fred O., Buffalo, N. Y.
- Lawyers Co-operative Publishing Co., Rochester, N. Y.—H. L. Holcomb.
- Maddox, Alex., Washington, D. C.
- Prentice-Hall, Inc., New York, N. Y.—Thurman Morey.
- Rothman, Frederick B., New York, N. Y.
- West Publishing Co., St. Paul, Minn.—H. W. Brandt.
- Guest Speakers**
- Charlton F. Chute, Director, Governmental Research Institute, St. Louis, Missouri.
- Major Joseph Dainow, Office of the Judge Advocate General, War Department, Washington, D. C.
- Joseph A. McClain, Jr., General Counsel, Wabash Railroad, St. Louis, Missouri.
- Albert Miller, Associate City Counselor,

City of St. Louis, St. Louis, Missouri.

Frank E. Quinn, U. S. Veterans Administration, St. Louis, Missouri.

#### Other Guests

Benedict, Horace D., Thomas Law Book Company, St. Louis, Missouri.

Brenner, J. E., School of Law, Stanford University, California.

Devereaux, Mrs. Kathryn, Librarian, Legislative Library, State of Missouri, Jefferson City, Missouri.

Eilers, Roy, St. Louis, Missouri.

Fiordalisi, Vincent S., Supreme Court of the U. S. Library, Washington, D. C.

Michaels, Miss Leola, Washington University Engineering Library, St. Louis, Missouri.

Moore, Frank Deane, Chicago, Ill.

Rooney, Francis J., Loyola University School of Law, Chicago, Ill.

Stevens, Mrs. Mary Helen, Supreme Court Law Library, Honolulu, Hawaii.

Boesenberg, Mrs. Sadie, Law Library Association of St. Louis, St. Louis, Missouri.

Brandt, Mrs. H. W., St. Paul, Minn.

Eilers, Mrs. Roy, St. Louis, Missouri.

Jordan, Mrs. Gamble, St. Louis, Mo.

McNabb, Mrs. Chas. A., Chicago, Ill.

Orman, Mrs. Oscar, St. Louis, Mo.

Poldervaart, Mrs. Arie, Santa Fe, N. M.

Riggs, Mrs. Laurie H., Baltimore, Md.

Brown, Mrs. R. M., Toronto, Canada.

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